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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. RADANOVICH).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 16, 1998.

I hereby designate the Honorable GEORGE P. RADANOVICH to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 75. Concurrent resolution expressing the sense of the Congress that States should work more aggressively to attack the problem of violent crimes committed by repeat offenders and criminals serving abbreviated sentences.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill and a concurrent resolution of the House of the following titles:

H.R. 1853. An act to amend the Carl D. Perkins Vocational and Applied Technology Education Act.

H. Con. Res. 284. Concurrent resolution revising the congressional budget for the United States Government for fiscal year 1998, establishing the congressional budget for the United States Government for fiscal year 1999, and setting forth appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 629) ''An Act to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact,'' disagreed to by the House and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THURMOND, Mr. HATCH, and Mr. LEAHY to be the conferees on the part of the Senate, with instructions.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1853) ''An Act to amend the Carl D. Perkins Vocational and Applied Technology Education Act,'' and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. FRIST, Mr. DEWINE, Mr. ENZI, Mr. HUTCHINSON, Ms. COLLINS, Mr. WARNER, Mr. MCCONNELL, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mrs. MURRAY, and Mr. REED to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the resolution (H. Con. Res. 284) ''A concurrent resolution revising the congressional budget for the United States Government for fiscal year 1998, establishing the congressional budget for the United States Government for fiscal year 1999 and setting forth appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003,'' and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM, Mr. BOND, Mr. GORTON, Mr. GREGG, Ms. SNOWE, Mr. ABRAHAM, Mr. FRIST, Mr. GRAMS, Mr. SMITH or Oregon, Mr. LAUTENBERG, Mr. HOLLINGS, Mr. CONRAD, Mr. SARBANES, Mrs. BOXER, Mrs. MURRAY, Mr. WYDEN, Mr. FEINGOLD, Mr. JOHNSON, and Mr. DURBIN to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

BRINGING OUR EDUCATION SYSTEM INTO THE 21ST CENTURY

Mr. BLUMENAUER. Mr. Speaker, an important step was taken last week in our efforts to assure that America's schools and libraries share in the full power of the Internet. The Federal Communications Commission made its E-rate decision on Friday June 12. To their great credit the commissioners withstood tremendous pressure to end the program and decided to continue funding the discounted rate, the E-rate, but at a reduced level from what was anticipated. The new funding level is an almost 50 percent reduction from what schools and libraries anticipated and planned for based on what the Congress had previously decided.

Organizations from around the country are understandably disappointed. Thirty thousand schools and libraries took Congress at its word and submitted significant effort through their applications to the FCC. But in fairness I think the FCC did the best it could with this difficult situation.

There are several reasons why the political climate has become so charged. Yes, there is considerable confusion, but the solution is clearly not to end or put a hold on the program. We must

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recognize that much of this controversy is manufactured based on misunderstanding.

It is a misunderstanding about the origin of the program. It did not come from the FCC, it was not an invention of the Vice President, although he was clearly an advocate for Internet access to schools and libraries. This is an element that was part of the Telecommunications Act of 1996 passed by a Republican controlled Congress and supported with overwhelming bipartisan votes.

There is some confusion over whether adding subsidies into the telephone rate is actually a new idea. In fact it is not. The E-rate is simply an expansion of the existing universal service program which has been around for 60 years and which was an important tool to assure that rural America had telephone service at affordable rates.

There is some confusion as to the actual cost that is borne by the phone companies, although it is quite clear that as a result of the benefits of deregulation the phone companies have saved in the neighborhood of $3 billion as a result of deregulation to date, far more than is contemplated by keeping Congress' commitment to our schools and libraries.

There appears to be some confusion over this surcharge on the telephone bills. Is this simply an effort to recoup some of the costs of the E-rate, or are they trying to layoff some of those costs that the phone companies have, in fact, borne since 1934?

There is confusion over what the E-rate can be used for. It is, in fact, very narrowly drafted to include only a few services, not new computers and the so-called goldplating.

There is even confusion on the part of some as to whether or not this program is needed. Well, the allegation is made that most of our schools are already hooked up to the Internet. This, of course, misses the point completely since those connections in the vast majority of cases are simply to an administrator, a principal's office. Fully three-quarters of our classrooms are yet to be hooked up to the Internet.

We in Congress need to make sure that we fulfill this commitment.

I agree that legislation may be needed, but that is why I have introduced a Truth in Billing Act, H.R. 4018, to have a GAO study to clarify exactly what the telephone companies have saved, how much has been passed on to consumers and what additional costs, if any, have resulted from the Telecommunications Act. We in Congress will provide that information to those who need it in order to make the informed decisions. And under my legislation companies that want to put extra line item charges on the telephone bills could do so, but they would also have to fully disclose all the savings that have resulted.

This is not a debate about over whether or not phone bills are going to go high, because in fact telephone bills are at their lowest point in history as a result of deregulation. What this debate is about is whether we as a Nation are going to meet the commitment we made to share the benefits of the deregulated telecommunication industry with the education system and our libraries and keep the commitment to those 30,000 schools and libraries.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas (Mr. PAUL) is recognized during morning hour debates for 5 minutes.

Mr. PAUL. Mr. Speaker, campaign finance reform has been a major topic for months on the House floor and, I understand, will continue to be a major debate. The last time the Congress has passed any major reforms dealing with campaigning was in the 1970s, and every problem that we had back then we have today, only it is much worse. Today, in order to comply with the law, we fill out tens of thousands of pages of forms, there is total misunderstanding of what the rules and regulations are, there are numerous fines being levied against many Members and many candidates, there are many inaccuracies put into the record mainly because a lot of people cannot even understand the rules and regulations, and I would not be surprised if just about everybody who ever filled out a financial reform at one time or the other inadvertently had some inaccuracies. All the challenges to these records have always been done by opponents and usually politicized, and it has not been motivated for the best of reasons.

New reforms are now being proposed, and I predict they will be no more successful than the numerous rules and regulations that we imposed on candidates in the 1970s. The reason I say this is that we are treating a symptom and not the cause. The symptom, of course, is very prevalent. Everybody knows there is a lot of big money that influences politics. I understand that there is $100 million a month spent by the lobbyists trying to influence our votes on the House floor and hundreds of millions of dollars trying to influence our elections. So some would conclude, therefore, that is the case, we have to regulate the money, the money is the problem.

But I disagree. Money is not the problem. The basic problem is that there is so much to be gained by coming to Washington, lobbying Congress and influencing legislation. The problem is not that we have too much freedom. The problem is that we have too much government, and if we think that just more regulations and more government will get rid of the problem, we are kidding ourselves. What we need is smaller government, less influence of the government on everything that we do in our personal lives as well as our economic lives. The Congress is always being involved.

Not only domestically, but Congress is endlessly involved in many affairs overseas. We are involved by passing out foreign aid, getting involved in programs like the IMF and World Bank. We are interfering in internal affairs militarily in over a hundred countries at the present time. So there is a tremendous motivation for people to come here and try to influence us. They see it as a good investment.

More rules and regulations, I believe, will do one thing if the size of government is not reduced. What we will do is drive the influence under ground. That is a natural consequence as long as there is an incentive to invest.

Under the conditions that we have today the only way we can avoid the influence is not ourselves, we, the Members of Congress, being a good investment. We should be independent, courageous and do the things that are right rather than being influenced by the money. But the rules and the regulations will not do very much to help solve this problem. Attacking basic fundamental rights would certainly be the wrong thing to do, and that is what so much of this legislation is doing. It is attacking the fundamental right to speak out to petition the government to spend one's money the way he sees fit, and this will only make the problems much worse.

Mr. Speaker, government is too big, our freedoms are being infringed upon, and then we come along and say those individuals who might want to change even for the better, they will have their rights infringed upon.

There are many groups who come to Washington who do not come to buy influence, but they come to try to influence their government, which is a very legitimate thing. Think of the groups that come here who want to defend the Second Amendment. Think of the groups that want to defend right to life. Think of the groups that want to defend the principles of the American Civil Liberties Union and the First Amendment. And then there are groups who would defend property rights, and there will be groups who will come who will be lobbyist types and influential groups, and they want to influence elections, and they may be adamantly opposed to the United Nations and interference in foreign policies overseas. They have a legitimate right to come here.

Sometimes I wonder if those individuals who are now motivated to put more regulations on us might even fear the fact that some of the good guys, some of the good groups who are coming here to influence Washington to reduce the size of government are no longer able to.

CBO'S INDEPENDENCE THREATENED BY PARTISAN POLITICS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from

Texas (Mr. BENTSEN) is recognized during morning hour debates for 5 minutes.

Mr. BENTSEN. Mr. Speaker, I rise today to point out a case of unfortunate and blatant hypocrisy on the part of the majority. The Congress created the Congressional Budget Office 23 years ago so that the House and Senate would have an impartial and independent source for budget forecast. Since its creation the Congress under both Republican and Democratic control and divided control between the House and Senate has respected the CBO's independence. In return for that independence CBO has served the Congress well by providing us with honest estimates of the budgetary effects of spending and taxing proposals.

Today that independence is threatened by partisan politics. Just last week the gentleman from Georgia, Speaker GINGRICH, and the Republican leadership threatened the CBO because their budget forecasts do not square with the irresponsible budget resolution passed by the House. Truth be known, Houdini could not create the magic budget forecast necessary to make this budget resolution work. In his letter to the CBO Speaker GINGRICH and the House leadership wrote that ''CBO's low estimates have been consistently wrong and wrong by a country mile.''

If the estimates were not changed, Congress then must review the structure and funding for the CBO in this appropriations cycle if CBO did not conform its estimates to the majority's budget resolution. The majority is seeking to abandon fiscal discipline by using ever larger surpluses to pay for tax cuts we cannot afford while making draconian cuts in nondefense discretionary spending and allowing the national debt to continue to grow, putting Social Security at peril. In fact, this bullying reminds me of the old adage, that, ''if you don't like the message, shoot the messenger.'' This is typically what dictators and strong men do when they take power. They terrorize those most likely to question their programs: professors, newspapers and religious leaders.

But is it not ironic, 3 years ago the new Republican leadership demanded that the President agree to use CBO estimates to score his budget?

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The White House, on the other hand, wanted to use the estimates of the Office of Management and Budget.

The Speaker and the Republican leadership were so adamant about using the CBO, that they refused to pass appropriations bills, leading to 2 government shutdowns. Instead of having an honest and straightforward accounting, the Republican leadership would rather threaten the CBO.

Mr. Speaker, I want to read a few statements of what the Republican leaders said a few years ago in contrast to statements made last week.

Last week Speaker GINGRICH wrote, ''We are deeply concerned about the increasing evidence that the CBO is utterly unable to predict consistent and future revenues or even the fiscal year implications of changes in budget policy.''

But on November 15, 1995, Speaker GINGRICH demanded that the President ''agree to two principles, that the budget shall be balanced in 7 years and that the scoring will be honest numbers based on the Congressional Budget Office.''

On November 20, 1995, the Committee on Rules Chairman, the gentleman from New York (Mr. SOLOMON), said about balancing the budget with CBO scoring, ''We will do it within 7 years as estimated by the CBO. There is no wiggle room there. No smoke and mirrors. We will do it with realistic figures.''

On that same day, the majority whip and the gentleman from Texas (Mr. DELAY) said the goal, ''Is to achieve a balanced budget no later than fiscal year 2002 as estimated by the CBO. Very real. Very meaningful.''

Why is it that 3 years ago CBO estimates were, quote, ''honest,'' ''realistic,'' ''meaningful,'' ''no smoke and mirrors,'' and today they are being attacked by the Republican leadership? Is it possible that the policies being put forth by the majority today are not honest, realistic, meaningful, and the budget numbers are fudged with blue smoke and mirrors?

Mr. Speaker, this is more than a case of hypocrisy. This is about responsible governing and responsible policymaking at which the leadership has proven not very adept. Manipulating budgetary estimates will allow both parties to abandon fiscal discipline. Without maintaining a course of fiscal discipline, the Congress' hard work since 1990 will be compromised. Federal budget surpluses will be short-lived and we will return to deficit spending and an increasing national debt.

CBO keeps our policy proposals honest through rigorous analysis and scoring. For the sake of fiscal discipline and trying to reduce our enormous Federal debt, we should let the CBO do its work without interference from partisan politics.

MARRIAGE TAX ELIMINATION ACT

The SPEAKER pro tempore (Mr. RADANOVICH). Under the Speaker's announced policy of January 21, 1997, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, 2 weeks ago this House of Representatives did something that many said could not be done. I remember when I came to Congress, there were those that said we could not balance the budget and lower taxes for the middle class at the same time. Well, we did that last year with the bipartisan budget agreement, and 2 weeks ago, the House passed the second balanced budget in over a generation.

What was significant about that balanced budget is it was a balanced budget that not only spent less, but it taxed less; and of course, when it made taxes lower for middle class families, it made elimination of the marriage tax penalty the centerpiece and the number 1 priority.

I thought I would take a few minutes today to talk about why elimination of the marriage tax penalty is so important for middle class Americans throughout this country. I think a series of questions really best illustrate why the marriage tax penalty should be eliminated, and that is, do Americans feel that it is fair that our Tax Code imposes a higher tax on marriage? Do Americans feel that it is fair that 21 million average, married, working couples pay on the average $1,400 more in higher taxes just because they are married; that a married couple pays higher taxes than an identical couple with identical income that lives together outside of marriage? Do Americans feel that it is right, or is it fair, that the only way to avoid the marriage tax penalty is to file for divorce?

It is clear that the marriage tax is not only unfair, it is wrong; and really, it is immoral that our Tax Code punishes our society's most basic institution, the institution of marriage. Let me remind my colleagues again that 21 million married, working couples pay on the average $1,400 more in higher taxes.

I have an example of a couple in Joliet, Illinois, in the south suburbs of Chicago that I have the privilege of representing, and let me just give an example here of how the marriage tax penalty works. Usually the way it works is the husband and wife get married, they both work; when they file their taxes, they file jointly and it pushes them into a higher tax bracket. In this case we have a machinist at Caterpillar, and Caterpillar makes the heavy earth-moving equipment, and their biggest plant is right in Joliet in my district.

We have a machinist who works there, and he makes $30,500 a year in annual income as a machinist at Caterpillar. After we factor in the standard exemption and deduction for which he qualifies, he is going to be taxed at a rate of 15 percent. Now, say across town he meets a gal, she is a school teacher in the Joliet public schools, and she has an identical income of $30,500.

Now, if she stayed single, she would be taxed at 15 percent. But under our Tax Code when they marry, they file jointly, even after we factor in for this couple the standard deductions and exemptions for this married couple, this machinist and school teacher in Joliet, Illinois, they end up paying more in taxes just because they got married. In fact, this couple, this machinist and school teacher pays the average marriage tax penalty of $1,400, just because they got married.

Now our Tax Code actually says, stay single and live together outside of marriage. It is to your financial advantage. That, of course, we believe is just wrong.

Mr. Speaker, if we think about it, $1,400 for this couple in Joliet, Illinois is real money, real money, as I say, for real people. That is because $1,400 is one year's tuition at Joliet Junior College; it is 3 months' day care at a local day care center.

Now, we have proposed a solution for eliminating the marriage tax penalty, and the Marriage Tax Elimination Act, also known as Weller-McIntosh II, is legislation which is simple. It eliminates the marriage penalty and of course it is very simple and does not complicate the Tax Code.

What we propose to do is to double the standard deduction. In this case, by doubling the standard deduction, it would help that machinist and school teacher, and also we double the brackets in the Marriage Tax Elimination Act. Right now, if one is married or if one is single, one pays 15 percent on just less than the first $25,000 in income; but if one is married, one only has a 15 percent rate up to about $41,000.

Clearly, what our legislation does is essentially double the bracket for married couples to exactly that of singles. That is fair; that is a simple way of eliminating the marriage penalty. The Marriage Tax Elimination Act doubles relief for married couples by doubling the standard deduction as well as doubling the brackets to eliminate the marriage penalty.

That is simple legislation. I think it is pretty important as we work to make elimination of the marriage tax penalty the centerpiece of this year's budget and, hopefully, the President will join with us and make it a bipartisan effort.

Remember in 1997 the President embraced the Republican proposal for a $500-per-child tax credit. We made it a bipartisan effort and we succeeded, and 3 million children in Illinois now qualify for that, providing $1.5 billion in higher take-home pay for Illinois families in the coming year because of the $500-per-child tax credit.

Elimination of the marriage penalty is the centerpiece of the House budget that we passed this past week. The elimination of the marriage tax penalty should be a number one priority as we finalize the budget this year.

Mr. Speaker, I rise today to highlight what is arguably the most unfair prevision in the U.S. Tax code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

I would also like to commend the leadership of House budget Chairman Kasich for including elimination of the marriage tax penalty as a top priority in his budget resolution. The Republican House Budget Resolution will save a penny on every dollar and use those savings to relieve families of the marriage penalty and restore a sense of justice to every man and woman who decides to get married.

Many may recall in January, President Clinton gave his State of the Union Address outlining many of the things he wants to do with the budget surplus.

A surplus provided by the bipartisan budget agreement which: cut waste; put America's fiscal house in order; and held Washington's feet to the fire to balance the budget.

While President Clinton paraded a long list of new spending totaling at least $46–$48 billion in new programs—we believe that a top priority should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions: Do Americans feel its fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel its fair that the average married working couple pays almost $1,400 more in taxes that a couple with almost identical income living together outside of marriage? is it right that our tax code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong!

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that out tax code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working women's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples.

For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes $30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $30,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

MARRIAGE PENALTY EXAMPLE IN THE SOUTH SUBURBS

	Machinist	School teacher	Couple	Weller/McIntosh II
Adjusted Gross Income	$30,500	$30,500	$61,000	$61,000
Less Personal Exemption and Standard Deduction	6,550	6,550	11,800	13,100 (Singles 2)
Taxable Income	23,950 (.15)	23,950 (.15)	49,200 (Partial .28)	47,900 (.15)
Tax Liability	3,592.5	3,592.5	8,563	7,185

Marriage Penalty: $1378; *Relief: $1378. Weller-McIntosh II Eliminates the Marriage Tax Penalty.*

But if they chose to live their lives in holy matrimony, and now file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of $1400 in higher taxes.

On average, America's married working couples pay $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Millions of married couples are still stinging from April 15th's tax bit and more married couples are realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of: A down payment on a house or a car; one years tuition at a local community college; or several months worth of quality child care at a local day care center.

To that end, Congressman DAVID MCINTOSH and I have authored the Marriage Tax Penalty Elimination Act.

The Marriage Tax Penalty Elimination Act will increase the tax brackets (currently at 15% for the first $24,650 for singles, whereas married couples filing jointly pay 15% on the first $41,200 of their taxable income) to twice that enjoyed by singles; the Weller-McIntosh proposal would extend a married couple's 15% tax bracket to $49,300. Thus, married couples would enjoy an additional $8,100 in taxable income subject to the low 15% tax rate as opposed to the current 28% tax rate and would result in up to $1,053 in tax relief.

Additionally the bill will increase the standard deduction for married couples (currently $6,900) to twice that of singles (currently at $4,150). Under the Weller-McIntosh legislation the standard deduction for married couples filing jointly would be increased to $8,300.

Our new legislation builds on the momentum of their popular H.R. 2456 which enjoyed the support of 238 cosponsors and numerous family, women and tax advocacy organizations. Current law punishes many married couples who file jointly by pushing them into higher tax brackets. It takes the income of the families' second wage earner—often the woman's salary—at a much higher rate than if that salary was taxed only as an individual. Our bill already has broad bipartisan cosponsorship by Members of the House and a similar bill in the Senate also enjoys widespread support.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care—or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember the 1996 State of the Union address when the President declared emphatically that, quote ''the era of big government is over.''

We must stick to our guns, and stay the course.

There never was an American appetite for big government.

But there certainly is for reforming the existing way government does business.

And what better way to show the American people that our government will continue along

the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and Gentleman, we are on the verge of running a surplus. It's basic math.

It means Americans are already paying more than is needed for government to do the job we expect of it.

What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty . . . a bipartisan priority.

Of all the challenges married couples face in providing home and health to America's children, the U.S. tax code should not be one of them.

Lets eliminate The Marriage Tax Penalty and do it now!

Mr. Speaker, I include the following for the RECORD.

Do Americans feel that it's right to tax a working couple more just because they live in holy matrimony?

Is it fair that the American tax code punishes marriage, our society's most basic institution?

WELLER-MCINTOSH II MARRIAGE TAX COMPROMISE

Weller-McIntosh II, H.R. 3734, the Marriage Tax Penalty Elimination Act presents a new, innovative marriage penalty elimination package which pulls together all the principle sponsors of various legislative proposals with legislation. Weller-McIntosh II will provide equal and significant relief to both single and dual earning married couples and can be implemented immediately.

The Marriage Tax Penalty Elimination Act will increase the tax brackets (currently at 15% for the first $24,650 for singles, whereas married couples filing jointly pay 15% on the first $41,200 of their taxable income) to twice that enjoyed by singles; the Weller-McIntosh proposal would extend a married couple's 15% tax bracket to $49,300. Thus, married couples would enjoy an additional $8,100 in taxable income subject to the low 15% tax rate as opposed to the current 28% tax rate and would result in up to $1,215 in tax relief.

Additionally the bill will increase the standard deduction for married couples (currently $6,900) to twice that of singles (currently at $4,150). Under the Weller-McIntosh legislation the standard deduction for married couples filing jointly would be increased to $8,300.

Weller and McIntosh's new legislation builds on the momentum of their popular H.R. 2456 which enjoyed the support of 238 cosponsors and numerous family, women and tax advocacy organizations. Current law punishes many married couples who file jointly by pushing them into higher tax brackets. It taxes the income of the families' second wage earner—often the woman's salary—at a much higher rate than if that salary was taxed only as an individual.

MARRIAGE PENALTY EXAMPLE IN THE SOUTH SUBURBS

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Marriage Penalty: $1378; *Relief: $1378. Weller-McIntosh II Eliminates the Marriage Tax Penalty.*

The repeal of the Marriage tax was part of the Republican's 1994 ''Contract with America,'' but the legislation was vetoed by President Clinton.

GAMBLING IS DESTROYING OUR YOUNG PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Virginia (Mr. WOLF) is recognized during morning hour debates for 5 minutes.

Mr. WOLF. Mr. Speaker, I just read today in The New York Times on the front page an article entitled, ''Those Seductive Snake Eyes: Tales of Growing Up Gambling.''

The bad news is that gambling in this country is growing. The worst news is that the gambling addiction is growing fastest among young people. The article says,

There is a growing concern among experts on compulsive gambling about the number of youths who, confronted with State lotteries, the growth of family-oriented casinos, and sometimes lax enforcement of wagering laws, gamble at an earlier and earlier age and gamble excessively.

The story quotes a recent Harvard Medical School study which was conducted by Dr. Howard Shaffer which found that the rate of problem gambling among adolescents is more than twice the rate for adults. Twice the rate of adults, and these people are going to soon be adults.

The article is shocking. It cites stories of young people who have hit the bottom at a very young age, and all because of gambling.

One young man got hooked on gambling as a teenager. The problem was so bad his parents had to put locks on all the rooms and closets in the house so he would not run out and sell the family's belongings to gamble. He has been to prison twice for credit card fraud and writing false checks. Later in the article he talks about how he first got interested in gambling. When he was growing up, he used to help his grandmother pick lottery numbers at a neighborhood store, and then he used to go gambling with her on trips to Atlantic City. He would wait for her outside the casinos peering into the windows wishing that he could play.

The New York Times piece said that at one high school in the northeast U.S., kids said they knew a fellow student who was a professional bookie who booked bets right there at the high school. Amazingly, that school set up a mock casino as part of its prom night festivities. The school principal said the students had no problems with the various games. They knew them all well and apparently needed no coaching.

This is a problem everywhere in America, all over this country. According to the article, an LSU University study conducted last year found that among Louisiana young people age 18 to 21, 1 in 7 were, and I quote, ''problem gamblers, some of them pathological, youths with a chronic and progressive psychological disorder characterized by an emotional dependence on gambling and loss of control over their gambling.''

Everyone in this country is worried about tobacco use among teenagers, and I am too, but we have another problem, Mr. Speaker, that all of us have to address, and that is the problem of gambling in this country.

I hope the country wakes up, although I believe the country is far ahead of the Congress and far ahead of the elected officials, because every time gambling is on a referendum, they vote it down. But I hope the governors wake up, all of them who are trying to ply gambling and raise money by lotteries, I hope they wake up.

Lastly, I hope this Congress wakes up. And I will tell my colleagues, nobody in this Congress who cares about people and talks about these problems ought to be taking any political activity money from the gambling interests, because if my colleagues will read this story in today's New York Times to see how this is ruining our young people, how then can one rationalize that one has taken money from the gambling interests?

Mr. Speaker, I urge all of my colleagues, I plead with my colleagues, read today's New York Times and see what is happening to our young people.

DEFENDING THE INTEGRITY OF THE CENSUS BUREAU

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from New York (Mrs. MALONEY) is recognized during morning hour debates for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, I applaud my colleague from the other side of the aisle, the gentleman from Virginia (Mr. WOLF), for his very important statement. He is absolutely correct.

Today I rise to defend the integrity of the Census Bureau. Repeatedly, in an argument over a fair and accurate census, the opponents of accuracy have suggested that they would support the use of modern technology if they could be assured that the process would not be manipulated for political purposes.

Perhaps Jim Hubbard, the representative of the American Legion said it best at last week's meeting of the Secretary's Census 2000 Advisory Committee. He said that the only way that the census numbers could be manipulated

would be if the professionals in the Census Bureau did it. He went on to say that he did not believe that that was possible.

Mr. Hubbard is absolutely right, and the opponents of an accurate census should be ashamed of themselves for attacking the Census Bureau like that. Never in the almost 100 years of the Census Bureau has there been a breach in the integrity of that organization.

Just after Pearl Harbor, the President of the United States asked the Census Bureau for a list of the names and addresses of Japanese living in America. The Census Bureau refused. During the 1970s, President Nixon did not like the fact that the rate of poverty was increasing during his administration, and put pressure on the Census Bureau to change the numbers. The Census Bureau refused.

The reputation of the Census Bureau is unassailable, and the opponents of an accurate census do themselves and the country a disservice to suggest otherwise.

Today, the Atlanta Journal tries to make this case once again. They admit that scientific methods will make the census more accurate. They acknowledge that if the count shows a population shift that favors one party or the other, it should stand. But then they claim that only the most optimistic could believe that the numbers would not be manipulated by the politicians.

□ 1300

On that, they are dead wrong. Anyone who has any knowledge of how a census works, and how the plans for 2000 work, know that the only ones who could manipulate the numbers are the professionals in the field or in the headquarters of the Census Bureau. There is not now, and there has never been, any evidence to suggest that those professionals would abandon their professional scientific judgment.

As my Members are all aware, I am sure, my colleagues and I have been destroying, sacrificing the American forests, my colleague, the gentleman from Florida (Mr. MILLER) and I have, in defense of our positions on the census. He is fond of circulating editorials attacking the census and I have sent out literally dozens in suppport of a fair and accurate census.

Mr. Speaker, I hope that today the gentleman resists the temptation to use the Atlanta Journal editorial for a partisan battle, but rather joins me in defense of the professionals at the Census Bureau. The Atlanta Journal suggests that only the ''blissful optimistic'' could believe that the census process is protected from political manipulation by the professionals at the Census Bureau. I hope that the gentleman from Florida (Mr. MILLER) will join me in telling the Atlanta Journal that the professionals at the Census Bureau are our best hope of a census that is free of politics and as accurate as possible, regardless of how our battle turns out.

PRESIDENT SHOULD CANCEL TRIP TO CHINA

The SPEAKER pro tempore (Mr. RADANOVICH). Under the Speaker's announced policy of January 21, 1997, the gentleman from California (Mr. ROHRABACHER) is recognized during morning hour debates for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, I know that all of us are committed, along with the gentlewoman from New York (Mrs. MALONEY) to a fair census. I am glad to hear that she did not mention the words ''census sampling,'' because of course we know that what that really means is guesstimating.

Many people who are talking about the census nowadays are the same ones who suggested that we have a thing called the ''Motor-Voter Bill'' in California, which as we found out was nothing more than the ''Illegal Alien Voter Registration Act.'' So we are all dedicated to an accurate census. That is why we want people specifically counted as they always have been in the past.

Mrs. MALONEY of New York. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Speaker, the gentleman mentioned that the sampling technique is guessing, yet the National Academy of Sciences has come out with a report that was ordered really by President Bush saying that it is the most scientific method, most accurate method to count Americans.

Mr. ROHRABACHER. Mr. Speaker, it is called guesstimating.

Mrs. MALONEY of New York. Mr. Speaker, that is what the gentleman calls it. They call it ''accuracy.''

Mr. ROHRABACHER. Mr. Speaker, reclaiming my time, we do not need some pointy-headed intellectual at some university, who may or may not be an ultra liberal receiving some kind of a grant for study, to tell me that it is more scientific to guesstimate who lives over there, rather than to walk over there and count each person individually as has been the case in every past census.

Mr. Speaker, every time we change these rules and allow these standards what we end up with is the average American gets hurt. And what we did with motor-voter is we permitted massive numbers of illegal aliens to vote and degrade the voting of the American population.

Mr. Speaker, back to the issue of the day, however. Yesterday, human rights activists came to the United States Capitol and I was privileged to join them in underscoring the support for the people of Tibet, especially in light of the President's upcoming visit to Communist China.

Mr. Speaker, many concerns were raised yesterday, and today we finally got the answer to those concerns of yesterday. In a letter published in today's Washington Post, the Communist Chinese Ambassador to the United States claims all the uproar about Tibet is simply based on misunderstandings, misunderstandings of the facts. And he gave us a couple of misconceptions here in his letter to the Washington Post today. This is the Communist Chinese Ambassador.

Misconception number one is that China actually occupies Tibet. That this was a region that was liberated peacefully through an agreement reached between the Central Government and the local government in 1951. Those are his words.

Misconception number two, that there are a great number of Han Chinese who have immigrated to Tibet. He claims some professionals from the coastal areas do go to Tibet to offer expertise to develop the local economy, but after completing their tenure most return home.

And finally there is a misconception that the Tibetan culture and religion are being destroyed. When we have this type of honest dialogue, or the level of honesty in this dialogue, it makes us wonder why our President of the United States is going there to represent the people of the United States to try to give us hope that there is any type of an agreement with gangsters who make a mockery of the truth like that.

In fact, what we have got today in Communist China with the President's upcoming visit, here he has chosen the 10th anniversary of the massacre of the democracy movement in Tiananmen Square to go visit these gangsters, even though the human rights record has not improved, even though the belligerence of Communist China is in evidence in its smuggling of technologies of mass destruction to volatile parts of the world, even Libya and Iran.

Today in the Capital City's other newspaper, the Washington Times, there is a headline story about the Communist Chinese sending weapons of mass destruction technology to Libya and Iran, these terrorist states. Mr. Speaker, I quote this article, ''Libyan leader Moammar Gadhafi has said that he would like to have a missile system capable of attacking New York.''

Mr. Speaker, this is not the time to enter into a discussion with these type of gangsters who control the government in China. I would suggest, especially when we have evidence that American companies have been using American technology to upgrade Communist Chinese missiles, that this is bad enough, and now we hear that they are using American technology that could be shifted to terrorists like Gadhafi in Libya who would be even more likely to use this technology to kill millions of Americans.

Mr. Speaker, I suggest that the President is not watching out for the best interests of our country and he should cancel his trip to China.

YOUTH IN ACTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Washington (Mr. METCALF) is recognized during morning hour debates for 5 minutes.

Mr. METCALF. Mr. Speaker, over the recess I had opportunity to visit Youth in Action in Mount Vernon, Washington, which is a city in my district. Youth in Action was created in Washington State to encourage school age children living in multifamily housing to participate in afterschool programs.

While most parents would like to spend more time with their children, many parents are unable to do so because of their demanding jobs. The Youth in Action program provides adult supervision and engages children in activities while parents are at work.

More importantly, these adults serve as positive role models to children whose parents are not able to be present. Our children are not the sole beneficiaries. Our communities also benefit with lower crime rates, decreased vandalism, and reduction in property damage. Programs such as Youth in Action help encourage children to excel and be active in positive situations at an early age.

Mr. Speaker, it is during these formative years that we can have the most influence on these children by instilling values and building positive character traits.

Mr. Speaker, I would like to commend Youth in Action for providing this essential service to children of our community, children who may need inspiration.

E-RATE IS TAX ON AMERICANS' PHONE BILLS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. SCARBOROUGH) is recognized during morning hour debates for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, earlier this hour a friend of mine came to the floor and was talking about his support for the E-Rate system, the E-Rate tax. He was also talking about confusion surrounding that program.

While I certainly respect the gentleman's opinions and understand his viewpoints, I have got to tell my colleagues there should not be a whole lot of confusion surrounding the E-Rate tax, or the Gore tax as it is more commonly called. If there is, it is because there was a backroom deal between Vice President GORE and a bureaucrat for the FCC.

Mr. Speaker, there should not be confusion, but there may be because of the tax increase on the phone bill of all Americans which was passed on to them secretly by the Vice President and bureaucrats and not by elected officials in this Chamber.

It certainly violates all notions of fair play and constitutional limits that are passed on the Federal Government. There may be confusion because the FCC used heavy-handed tactics to try and stop phone companies from telling their consumers that a 5 percent tax had been passed on to every one of their phone bills secretly. Certainly, that does add confusion.

Now, what the Gore tax does is through the telecommunications bill it misinterprets, or interprets very loosely, a provision that they believe allows the FCC to demand that telecommunication companies increase taxes on phone bills by 5 percent and then passes that money on to a new Federal bureaucracy program.

We have heard, and we will hear throughout this debate, that this tax is about the children. That it is about helping the children. And since I have been in Washington, D.C., I have found that there is not much that we pass on this floor that somebody does not say is about helping the children. Children, children, children. That is all we hear about.

Well, I say if this tax increase on every American's phone bill is so important for the children, then why do we not invite the Vice President and our tax-and-spend friends on the left to come down to this Chamber and debate, fairly and openly for all Americans to see, the issues involved here?

America is not about passing tax increases on to all Americans through a bureaucracy, or for an administration official to decide that, gee, this is a really good program, let us tax all Americans and not tell them about it.

What America is supposed to be about, what this Chamber, the People's House, is supposed to be about, the epicenter of freedom and democracy across the world, it is supposed to be about a fair and free, open debate.

Over 200 years ago, Thomas Jefferson was talking about the promise and the dream of America and what would make the American Republic. What Thomas Jefferson talked about was the fair marketplace of ideas and the free marketplace of ideas where Americans from all sides of an issue could come together and debate the issues that affected Americans.

Mr. Speaker, regrettably, this tax increase on the phone bill of all Americans has not been done openly in this Chamber, but rather has been done in the backrooms of the White House and in bureaucracies across Washington, D.C. When the telephone companies went to the bureaucrats and said we are going to start telling our consumers about this 5 percent tax that has been passed on to them, they met resistance. The bureaucrats said, ''You cannot do that.'' And so now they are debating that issue back and forth.

Because of this reason, because of the backroom deals, today I have introduced a bill called the ''E-Rate Tax Moratorium Act of 1998.'' It is going to do a few simple things. The first thing it is going to do is it is going to stop the bureaucrats at the FCC from demanding that phone companies tax Americans.

The second thing it is going to do is it is going to stop the FCC from demanding that the telecommunications companies participate in the future in paying more money into this new bureaucracy. It does not destroy this bureaucracy that supposedly is supposed to help children. It does not stop the head of this new bureaucracy from talking $200,000 a year, not that that is something that we would not necessarily like to do away with.

☐ 1315

But, instead, it puts a moratorium on it, and it says wait a second, you all passed this in a manner that the GAO said was illegal. You broke laws. You hiked taxes on every single American with a telephone without doing it in a fair and open democratic debate. Let us just put a freeze on it and take up the issue later.

Mr. Speaker, I ask my colleagues to join in a moratorium on the Gore tax.

RECESS

The SPEAKER pro tempore (Mr. RADANOVICH). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 16 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 2 p.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Surround us, O God, with the spirit of unity as we cherish together our purposes and our aspirations. We know, gracious God, that you unite us in our common creation and give us solidarity in our shared aspirations. You have also given us individual minds with which to think, hearts with which to care, and hands with which to work. We honor the authentic disagreements we have with each other even as we honor each other in our shared objectives and purposes. Help us to hold high, O God, our noble tasks to your glory and honor. In your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Oregon (Ms. FURSE) come forward and lead the House in the Pledge of Allegiance.

Ms. FURSE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

MARGARITO DOMANTAY

The SPEAKER pro tempore. The Clerk called the bill (H.R. 375) for the relief of Margarito Domantay.

There being no objection, the Clerk read the bill, as follows:

H.R. 375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SATISFACTION OF CLAIM AGAINST THE UNITED STATES.

The Secretary of the Treasury shall pay, out of any funds in the Treasury not otherwise appropriated, to Petty Officer Margarito Domantay, United States Navy (retired), of Tampa, Florida, the amount of retired pay that he would have received for the period beginning on June 8, 1979, and ending on March 12, 1985, had he been initially retired in the grade of E–5, second class (rather than the grade of E–4, third class, in which he was mistakenly retired due to administrative error).

SEC. 2. LIMITATION ON AGENT AND ATTORNEY FEES.

It shall be unlawful for an amount exceeding 10 percent of the amount paid pursuant to section 1 to be paid to, or received by, any agent or attorney for any service rendered in connection with the claim described in such section. Any person who violates this section shall be guilty of an infraction, and shall be subject to a fine in the amount provided in title 18, United States Code.

With the following committee amendment in the nature of a substitute:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT OF CLAIM AGAINST THE UNITED STATES FOR ERRONEOUS COMPUTATION OF RETIRED PAY.

The Secretary of the Treasury shall pay, out of any funds in the Treasury not otherwise appropriated, to Petty Officer Margarito Domantay, United States Navy (retired), of Tampa, Florida, the sum of $6,386.30, such amount representing the amount of retired pay (with interest) that Petty Officer Domantay would have received for the period beginning on June 8, 1979, and ending on March 12, 1985, had that retired pay been properly computed based upon pay grade E–5 second class (rather than pay grade of E–4, third class, with which such retired pay was computed due to administrative error).

SEC. 2. LIMITATION ON AGENT AND ATTORNEY FEES.

It shall be unlawful for an amount exceeding 10 percent of the amount paid pursuant to section 1 to be paid to, or received by, any agent or attorney for any service rendered in connection with the claim described in such section. Any person who violates this section shall be guilty of an infraction, and shall be subject to a fine in the amount provided in title 18, United States Code.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NURATU OLAREWAJU ABEKE KADIRI

The Clerk called the bill (H.R. 1949) for the relief of Nuratu Olarewaju Abeke Kadiri.

There being no objection, the Clerk read the bill, as follows:

H.R. 1949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR NURATU OLAREWAJU ABEKE KADIRI.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Nuratu Olarewaju Abeke Kadiri shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Nuratu Olarewaju Abeke Kadiri enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Nuratu Olarewaju Abeke Kadiri, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

With the following committee amendment in the nature of a substitute:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR NURATU OLAREWAJU ABEKE KADIRI.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Nuratu Olarewaju Abeke Kadiri shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Nuratu Olarewaju Abeke Kadiri enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Nuratu Olarewaju Abeke Kadiri, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Nuratu Olarewaju Abeke Kadiri shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

DOLLARS TO THE CLASSROOM ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to ask Members to help our Nation's children learn and teachers teach by supporting H.R. 3248, the Dollars to the Classroom Act. This bill will send at least 95 cents of every Federal dollar for 30 K-through-12 education programs to our children's classrooms. That

means that over $3 billion a year will be taken from the grasp of bureaucrats and put into the hands of a teacher who knows your child's name.

Mr. Speaker, that means that every classroom in America will get over $500 more per year. Instead of paying for reports, studies, and layers of bureaucracy, our tax dollars should be used to pay for teachers' salaries, textbooks, computers, microscopes and maps. That is what this bill does.

Last October the Dollars to the Classroom resolution, sense of the House resolution, passed overwhelmingly. Now, in 1998, we must put rhetoric into action by passing the Dollars to the Classroom Act into law before our children return to school next fall.

INTERNATIONAL MONETARY FUND IS NOT A LOAN PROGRAM

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Japan is beating the White House like a drum. Check this out: Japan lets the yen hit rock bottom, making Japanese products lower than a Dolly Parton wonder bra, forcing Japan's Asian rivals to dial 911 for Uncle Sam, who has already given $120 billion from the International Monetary Fund to bail out Korea, Thailand, and Indonesia. And, you guessed it, the White House says, they need it and the White House wants $18 billion more for IMF.

Beam me up, Mr. Speaker. Let us tell it like it is. This International Monetary Fund does not look like a loan program to me. It is starting to look like international welfare, and Japan is cashing the food stamps while they laugh all the way to the bank with our dollars.

You think about that, and I yield back the 207 points of fright on Wall Street.

THE PRESIDENT MUST CALL FOR AN END TO CHINA'S NOTORIOUS LABOR CAMPS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, in 1997 then-President Ronald Reagan signaled an end to the Cold War when he called upon Soviet leader Mikhail Gorbachev to tear down the Berlin Wall. The time has come for President Clinton to make a similar call to the Communist Chinese.

Next week President Clinton will have a landmark opportunity to call for human rights reforms in Communist China. He will have a historic opportunity, and millions of Americans hope and pray that he will not squander it.

The President will be greeted in Tiananmen Square. This is the same site where 9 years ago the world watched as the Chinese Government brutally crushed the prodemocracy demonstration and killed or jailed thousands of Chinese citizens.

As the world's only true leader, America cannot abdicate its responsibility to call for an end to China's human rights abuses. At every turn, President Clinton must call on the Chinese Government to respect the rights of Chinese citizens to assemble and to freely express themselves. The President must speak for the conscience of the civilized world and call for an end to China's notorious labor camps.

The time has come for the U.S. to exercise its leadership and moral authority, and I sincerely hope that President Clinton doesn't waste it.

REFORMERS ON BOTH SIDES OF THE AISLE SHOULD VOTE FOR COVERDELL LEGISLATION

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, the Federal Government should support success and condemn failure. Yet, when it comes to education for our children, the government does exactly the opposite. The special interests in Washington defend the status quo even for failing schools, and then when it comes to initiatives from the States that do work, Washington bureaucrats condemn them.

Our children are the ones who daily are being shortchanged. Congress has a chance to change all of that with a vote tomorrow on education IRAs. It gives parents more control over their children's education and it gives less control to special interests.

This is not a tough choice. The education of our children is too important to let special interest politics get in the way.

I urge reformers on both sides of the aisle to support the Coverdell legislation when it comes before this House tomorrow.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 15, 1998.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on June 15, 1998 at 4:01 p.m. and said to contain a message from the President whereby he transmits to the Congress a report required by Condition (4)(A) of the resolution of advice and consent to ratification of the Chemical Weapons Convention.

With warm regards,

ROBIN H. CARLE,
Clerk.

COST-SHARING ARRANGEMENTS UNDER CONVENTION ON PROHIBITION OF DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND THEIR DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of The United States:

Attached is a report to the Congress on cost-sharing arrangements, as required by Condition (4)(A) of the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 15, 1998.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

CONGRESSIONAL GOLD MEDAL TO NELSON ROLIHLAHLA MANDELA

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3156) to present a congressional gold medal to Nelson Rolihlahla Mandela.

The Clerk read as follows:

H.R. 3156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Nelson Mandela has dedicated his entire life to the abolition of apartheid and the creation of a true democracy in the Republic of South Africa and has sacrificed his own personal freedom for the good of everyone.

(2) For nearly 30 years as a political prisoner, Nelson Mandela never compromised his political principles, was a source of strength and education for other political prisoners, and refused offers of freedom in exchange for a renunciation of his personal and political beliefs.

(3) After his release from prison, Nelson Mandela continued to pursue his goal of a free South Africa, and was elected and subsequently inaugurated as State President of the Republic of South Africa on May 10, 1994, at the age of 75 years.

(4) Nelson Mandela's dedication to freedom did not cease once the apartheid laws were

lifted, as he then focused his efforts toward reconciliation by creating the Truth and Reconciliation Commission, chaired by the Archbishop Desmond Tutu.

(5) Nelson Mandela is the recipient of many awards and accolades, including the Nobel Peace Prize (which he accepted with then-State President F.W. de Klerk in 1993), and more than 50 honorary degrees from universities around the world.

(6) Millions of individuals of all races and backgrounds in the United States and around the world followed Nelson Mandela's example and fought for the abolition of apartheid in the Republic of South Africa and in this regard the Congress recognizes Amy Elizabeth Biehl, an American student who lost her life in the struggle to free South Africa from racial oppression, and the spirit of forgiveness and reconciliation displayed by her parents, Peter and Linda Biehl.

(7) Nelson Mandela is a prime example of how to work to heal the wounds of racism.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Nelson Rolihlahla Mandela in recognition of his life-long dedication to the abolition of apartheid and the promotion of reconciliation among the people of the Republic of South Africa.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING AND PROCEEDS OF SALE.

(a) AUTHORIZATION.—There is hereby authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this afternoon I rise in support of H.R. 3156, the bill to award a Congressional Gold Medal to Nelson Mandela, a man who is the linchpin of stability and democracy in Africa. I use the term advisedly because a linchpin is inserted at the end of a shaft to keep the wheel from coming off. It is an apt metaphor for the role of Mr. Mandela and South Africa at this point in the history of that troubled continent. Subsequent speakers will detail this Nobel Laureate's manifold accomplishments and the international recognition he has received since his release from nearly 30 years' imprisonment on Robben Island.

H.R. 3156 complies with Committee on Banking and Financial Services' rules regarding the authorization of gold medals. Although a committee markup was not held, 293 Members are cosponsors. There is no known opposition from Members of Congress or the United States Mint.

Mr. Speaker, this legislation is the product of the hard work of my esteemed colleague, the gentleman from New York (AMO HOUGHTON).

Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. HOUGHTON) and ask unanimous consent that he may be permitted to yield blocks of time to others who may wish to speak to this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. HOUGHTON. Mr. Speaker, I yield myself such time as I may consume, and thank the gentleman from Delaware (Mr. CASTLE) for yielding me this time.

I would like to talk about this bill, H.R. 3156. I think it is a very important bill because it attacks an important issue in our society and one of the most exemplary men who lives today.

This is a bipartisan bill. Beside me is the gentleman from New York (Mr. GILMAN) of the Committee on International Relations. He and the gentleman from Indiana (Mr. LEE HAMILTON), who is the minority member of that committee, have been endorsing it; the gentleman from Georgia (Mr. NEWT GINGRICH), the Speaker; the gentleman from Missouri (Mr. GEPHARDT); the gentlewoman from California (Ms. MAXINE WATERS); the gentleman from Ohio (Mr. STEVE CHABOT); the gentleman from South Carolina (Mr. MARK SANFORD); the gentleman from New York (Mr. CHARLIE RANGEL); the gentleman from California (Mr. TOM CAMPBELL); the gentleman from New Jersey (Mr. DON PAYNE); the gentleman from Nebraska (Mr. DOUG BEREUTER); the gentleman from Florida (Mr. ALCEE HASTINGS); the gentleman from Georgia (Mr. JOHN LEWIS), importantly the gentleman from Georgia (Mr. LEWIS); the gentleman from Washington (Mr. JIM MCDERMOTT); the gentleman from New Jersey (Mr. BOB MENENDEZ); and Mr. RON DELLUMS, among others. And I think, as the gentleman from Delaware (Mr. CASTLE) said, there are almost 300 people that have signed on to this.

The Congressional Gold Medal is really very, very special. It was awarded first to George Washington in 1776, and then to a variety of other people, Jonas Salk, Robert Frost, Walt Disney, Mary Lasker, Frank Sinatra, Billy Graham, Mother Teresa, and Colin Powell. Nelson Mandela is really an appropriate addition to this esteemed list.

The simple yet important bill we propose here today recognizes Mr. Mandela because of several features: one, his ending of racism in that important country of South Africa, in Africa; promoting democracy and also encouraging this extraordinary concept of truth and reconciliation.

Also, I would like to mention, Mr. Speaker, that Peter and Linda Biehl of La Quinta, California, are also recognized by the bill. Some of you may remember, this is an extraordinary family, whose daughter Amy was killed in one of the districts in South Africa trying to help and encourage in the teaching of young black children.

☐ 1415

There is no recrimination, there is no nastiness, there is no retribution there. They actually testified in front of Bishop Tutu's Truth and Reconciliation Committee and really represent everything that I am sure Mr. Mandela would have liked to have seen if he had been there by an example of his life.

The timing of this bill is pretty important. Today is called Youth Day. And Youth Day really represents an extraordinary day in 1976 when there was the student riots in Soweto and the ensuing deaths of many people.

Also, it just so happens, 2 days from now, on the 18th of June, will be Mr. Mandela's 80th birthday.

Now, let me also give credit to people who stood beside us as we were proposing this legislation. And sometimes we do not hear about them. There is the Fulbright Association, the Young Women's Christian Association, the Results Group, the Catholic Relief Services, the American Committee on Africa, the Education on Africa, African-American Institute, and Senator AL D'AMATO.

Let me try to encapsulate briefly what this medal means to me personally. First of all, it means great courage. Here is a man at the peak of his life representing everything that was good in South Africa, who was thrown into jail and stayed there almost unknown for 27 years. He came out of jail and, without any sense of violence or recrimination, started the process of healing the country, which ultimately ended up in his election as president.

I can remember myself personally going into Soweto in 1985 at Christmas time, and it was one of the most terrifying experiences. I had been in World War II, but this was pretty terrifying. Some of these southern Rhodesians that had come down as police, the apartheid police, ransacking their car, practically stripping them bare to see if they concealed any weapons. This was the type of country that he came back to try to reconcile.

He also has been associated with another hero, a great hero, which is Bishop Desmond Tutu, who has been in charge of the Truth and Reconciliation Committee.

Another thing that I think of with Mr. Mandela is here is a man who is really putting this nation back on track. As President Clinton has said

many times, freedom means nothing unless you can do something with it. He said this when he was over in South Africa in the presence of Nelson Mandela about a month ago.

He is really trying to knit together the economy so that the people who have been waiting for generations to be able to have meaningful jobs can get those jobs. It is not easy. We are trying to help. But he represents sort of an economic hope of job security, which nobody heretofore has represented.

Another reason is that this is pretty important for the continent of Africa. As my colleagues know, we cannot pick up the paper, whether it is the story of Nigeria or the Sudan or anything, without realizing the terrorism and horrifying examples that are taking place over there. Here is a man defying all the elements of dictatorship, striding ahead, representing the best that country has to offer.

Mr. Speaker, I really think that from my own standpoint, and I really sort of echo the feelings of my friends I hope, the world needs heroes and here is the genuine hero. I was reading something by the historian Daniel Boorstin the other day and it said,

> We are overwhelmed by the instant moment. We have lost our sense of history. We have lost interest in the real examples which alone can help us share standards for the humanity of the future. Everything that we do in America is based on the lives of people, some of whom we do not know, have never met, and never will. When we try to find out how those people have lived, we are really trying to find out how we ourselves live and what we are all about.

This is what Mr. Mandela is. Mr. Speaker, I am in awe of this man. Obviously, that is clear from what I said. There is no more fitting use of this great award than to give it to one of the world's great leaders. I thank my colleagues very much for letting me express myself here.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am pleased to rise today in strong support of H.R. 3156, a bill to present a Congressional Gold Medal to Nelson Mandela.

I want to thank my colleague and good friend the gentleman from New York (Mr. HOUGHTON), a member of our Committee on International Relations, for introducing this bill and working so diligently to bring the measure to the floor at this time.

Mr. Speaker, Nelson Mandela is an international treasure. As the president of South Africa, Nelson Mandela is the embodiment of national reconciliation. His vision, his humility, and magnanimity have enabled South Africa to overcome the most bitter of social divisions.

Nelson Mandela was oppressed by apartheid for decades. He was jailed for more than a quarter of a century as a political prisoner. In his autobiography, Long Walk to Freedom, Nelson Mandela says,

> It was during those long and lonely years that my hunger for the freedom of my own people became a hunger for the freedom of all people, white and black. I knew as well as I knew anything that the oppressor must be liberated just as surely as the oppressed. A man who takes away another man's freedom is a prisoner of hatred, he is locked behind the bars of prejudice and narrow-mindedness. I am not truly free if I am taking away someone else's freedom, just as surely as I am not free when my freedom is taken away from me. The oppressed and the oppressor alike are robbed of their humanity.

Mr. Speaker, Nelson Mandela's words transcend South Africa and the fight against apartheid. They apply in Kosovo, to Bosnia, to Cambodia, to Afghanistan, to Rwanda, to Ireland, and any other place that is torn by ethnic, racial, or religious strife.

Nelson Mandela's words of national reconciliation are a strong echo of those said by President Abraham Lincoln in his first inaugural address in 1861. Lincoln spoke directly to those who would secede from the Union,

> We are not enemies but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

Mr. Speaker, the better angels of our nature are personified in Nelson Mandela. It is entirely appropriate that we honor him with the Congressional Gold Medal. Accordingly, I urge my colleagues to support this measure that has been offered by the gentleman from New York (Mr. HOUGHTON).

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased that we are here on the floor today considering legislation to award the Congressional Gold Medal to Nelson Mandela. It is a distinct honor to rise in support of this bill as the ranking Democrat on the Subcommittee on Domestic and Independent National Monetary Policy of the House Committee on Banking and Financial Services.

I would like to commend the gentleman from New York (Mr. HOUGHTON) for introducing this bill and his tireless work and commitment to see it become law.

Mr. Speaker, I take personal pride as a member of the Congress of the United States of America today and the work that I have been involved in for so many years because of Nelson Mandela and all of those brave men and women in South Africa who decided they would put their lives on the line to dismantle the unconscionable racist apartheid by the South African regime at that time.

I can recall getting interested in this issue. I was asked to serve on the Board of Trans-Africa here in Washington D.C., headed by Randall Robinson. I was then a member of the California State Assembly. And because of my involvement on that board, I carried the divestment legislation for the State of California, divesting all of our pension funds from businesses that were doing business in South Africa.

Well, that work carried me all over the United States of America and, of course, to South Africa at the appropriate time. We had the opportunity to work with Members of Congress. We had the opportunity to travel all over the country to universities and colleges organizing students. We had the opportunity to offer our legislation as a model to other legislators who wanted to carry divestment legislation. We were carrying divestment legislation at the state level. We had brave members of Congress; i.e., Ron Dellums, and others who were carrying the sanctions legislation here in Congress.

We worked. We organized. We worked with Walter Sisulus. We worked with Mbeke. We worked with members of the ANC. We embraced the ANC when it was unpopular to do so because of the policy that they had embraced and the approach that they were taking to get rid of apartheid. It was some of the most important work that I have done in my entire career.

My divestment legislation was signed into law, and I think I am prouder of that legislation than any other legislation that I have carried either there or here in the Congress of the United States.

I traveled to South Africa when we first lifted the ban, when they first lifted the ban on the ANC and met with leaders from around the world as we talked about the work of the ANC. And of course, I traveled to South Africa on any number of cases, up to the point of time when Nelson Mandela was inaugurated to become the president of South Africa.

The work that Nelson Mandela did, the time that he served in prison, the years that he spent in isolation on Robben Island was really the most motivational experience any human being could have. To see him dedicated to the proposition that they would be free no matter how powerful, no matter how overwhelming that regime was, was a lesson to all of us who were involved on a day-to-day basis in the civil rights movement, involved on a day-to-day basis trying to get justice right here in our own country. We cried with those who were involved in that struggle.

When Nelson Mandela walked out of that prison, we stayed up all night and we danced the tutu. When he came to the United States following his release, I had the opportunity to produce him at the arena in Los Angeles, where we had 90,000 people who came and enjoyed his speech and a lot of cultural activity.

Again, I stand here today so pleased and proud to join with all of the Members who are principal coauthors and

who are just supportive of the idea that he deserves this recognition.

Mr. Speaker, I will close my comments simply by saying, we could not do a better thing here in this Congress than give recognition to this gentleman who showed us all what it means to be a human being that is committed to justice and equality for all.

Mr. Speaker, I reserve the balance of my time.

Mr. HOUGHTON. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman from New York for yielding.

Mr. Speaker, I rise in strong support of H.R. 3156, legislation providing for the awarding of a Congressional Gold Medal to South African President Nelson Mandela.

I want to first take a moment to express my appreciation to my friend and distinguished colleague from New York (Mr. HOUGHTON). I am pleased to join him as an original cosponsor. I thank him for working so hard to gather 291 cosponsors to this bill, and that is no small task.

□ 1430

I want to commend both the gentleman from New York (Mr. HOUGHTON) and Bob Van Wicklin of his staff for their extraordinary efforts in this matter. Nelson Mandela has earned this honor. He clearly deserves it. He has spent his entire life engaging in a struggle for freedom, battling those forces who would deny democracy to millions of South Africans and standing firm against forces who would continue indefinitely institutional racism.

Mr. Speaker, it is fitting that we bestow this honor on President Mandela as he spends his final year in public service, the culmination of a lifetime of work on behalf of his countrymen. I am pleased to support this legislation, and I hope that we pass it overwhelmingly.

Ms. WATERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. KILPATRICK).

(Ms. KILPATRICK asked and was given permission to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, I thank my ranking member and distinguished chairperson of the Congressional Black Caucus for yielding me this time.

Mr. Speaker, I want to add my support and congratulations for this Congress being keen enough to honor one of the finest gentlemen in our world today, Mr. Nelson Mandela, with a Congressional Gold Medal. As has been said already, he served over 30 years in one of the most horrible prisons in the world. He saw many of his fellow men and freedom fighters assassinated and die during that time. Nelson Mandela is certainly a role model for all of us to follow. Freedom, dignity and strength for all of us. I, too, worked on the sanctions bill in Michigan as we served in the Michigan legislature and am happy that the sanctions movement in this country made it possible not only for President Mandela to be free but to give all who suffer inhumanity a reason to live.

Mr. Speaker, let us pass with pride and dignity the Congressional Gold Medal for President Nelson Mandela.

Mr. Speaker, I rise today in reverence, honor, and true respect not only for this legislation, but for the ideals and goals of President Nelson Mandela. A Congressional Gold Medal is woefully inadequate for the faith in God, the dedication to freedom, and the willingness to work with his former oppressors for the good of the world that is manifest in the person of President Mandela. Every person who has ever dedicated her or his life to human rights needs to look no further than to President Mandela as a penultimate example of service to humankind.

As we move toward a new millennium, it is stunning to remember that President Mandela spent most of the last 50 years in prison at Robben Island, underground evading the South African police, or was fighting the various injustice and oppression that was apartheid. Before President Mandela was sentenced to life in prison at Robben Island, his statement from the dock in the Rivonia Trial ends with these words:

> I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die.

For 27 years, President Mandela was at Robben Island Prison, a maximum security prison on a small island off the coast near Cape Town, South Africa; at Pollsmoor Prison in Cape Town and in December 1988 he was moved to the Victor Verster Prison near Paarl from where he was eventually released. President Mandela repeatedly and flatly rejected various offers made by his jailers for release upon his acceptance of second-class citizenship for him and his people. As President Mandela often said, ''prisoners cannot enter into contracts. Only free men can negotiate.'' His refusal to negotiate on anything less than an equal basis forged the fight for President Mandela, his wife Winnie, and his people in Africa and throughout the world.

Freedom rung on February 11, 1990 when President Mandela was released from active captivity. Mind you, I said ''active captivity,'' as the spirit of President Mandela was never held captive. In 1991, at the first national conference of the African National Conference (ANC) held inside South Africa after being banned for decades, Nelson Mandela was elected President of the ANC while his lifelong friend and colleague, Oliver Tambo, became National Chairperson of the ANC. This day was fought for through the numerous protests and dedication of many organizations and individuals, specifically my colleagues of the Congressional Black Caucus, who continually and tirelessly put pressure upon Congress to adopt legislation that would ban trade and commerce with the then-oppressive government of South Africa.

Dr. Martin Luther King, Jr. once said that ''the true measure of a man is not where he stands during times of comfort and convenience, but where he stands during time of crisis and controversy.'' By Dr. King's words, President Mandela has set a standard that all Members of Congress should at least strive to attain. President Mandela, despite being chased like an animal in the streets of South Africa, beaten like a dead horse during inhuman and inhumane captivity over a quarter of a century, and being considered a banned person in the spoken and written word, never wavered in his devotion to democracy, equality and understanding. Despite terrible provocation, he has never answered racism with racism or hate with hate. His life continues to be an inspiration, in South Africa and throughout the world, to all who are oppressed and deprived, to all who are opposed to oppression and deprivation.

In a life that is the veritable symbol of the triumph of the human Nelson Mandela accepted the 1993 Nobel Peace Price on behalf of all South Africans who suffered and sacrificed so much to bring peace to the land of all of our mothers and fathers. It is my hope that when we award this Congressional Gold medal, we remember why we were elected to Congress in the first place: to concern ourselves not with the next election, but for making our country and our world better for the next generation. President Mandela demands nothing less from all of us—Democrat or Republican, Christian, Jewish, or Muslim, black or white. President Mandela has taught us the lesson of principles. It is time for Congress to collectively follow our teacher's courageous and superb guidance.

Mr. HOUGHTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I am pleased to rise in strong support of H.R. 3156, to present a Congressional Gold Medal to Nelson Mandela. I want to thank the gentleman from New York (Mr. HOUGHTON) who has worked so hard on this for introducing the measure which I have cosponsored. I also want to thank his staff person, Bob Van Wicklin, for the work he has done on it, too. It does not happen without good staff. I also want to take note of the strong bipartisan support for this legislation.

Mr. Speaker, Nelson Mandela is a true hero, a role model for people all over the world who struggle for human rights, to the millions who still lack basic freedoms, and to many of us in this body. There is indeed something about this man. He exudes an aura of dignity, self-confidence, commitment, determination, of conviction of his views.

Nelson Mandela spent his adult life fighting for the freedom of his people, never wavering in his belief in the inherent dignity of all persons, regardless of color or creed. This is a lesson which he taught to colleagues in the African National Congress, to fellow political prisoners, and now to all South Africans. He never compromised his beliefs or his principles, no matter what reward was offered in return.

I can remember being involved with the Aspin Institute on a congressional project on South Africa which was during apartheid and then post-apartheid.

Therefore, meeting with Nelson Mandela, and before that, actually meeting in a place where we had members of the Conservative Party, members of the National Party, members of the ANC who met with us individually with guards. They could not come into the same room together. Now look at what has happened. Nelson Mandela was released, Nelson Mandela was sworn in as the President of South Africa, and apartheid is no more. What a great man.

As President, Nelson Mandela has continued to lead his people in the struggle for human rights and a democratic society. Importantly, he has also recognized the importance of societal reconciliation as a necessary component of this struggle. He is still a leader for millions of Americans and others who admire his leadership and his devotion to equal rights, and I am pleased that this Congress will recognize his work by presenting him with a Congressional Gold Medal.

I urge support for H.R. 3156.

Ms. WATERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California for yielding me this time and I want to thank the gentleman from New York. The two of us had an opportunity to be in South Africa last year.

I will say to my colleagues that this could not be a more deserving honor than to honor President Nelson Mandela. As one of his daughters said often that she grew up without a father who then returned and became the father of a nation, I would simply say for all of us in America, we recognized that this fatherhood was sacrificing and tender and caring and strong. That is why Nelson Mandela can stand on the African continent and be respected by all of the nations and all of the people.

It gives me great delight that we would come to this body and honor him. I am so very proud to be from a city like Houston and a State like Texas who knew immediately through the leadership of our respective black caucuses that we would divest our investments from South Africa. I salute the late Congressman Mickey Leland and the former council member Ernest McGowan who paid tribute by making sure that Texas stood strong. This is a great honor. He is a great friend. I thank the gentleman from New York for his leadership. Together we will recognize one of the greatest persons in the history of the world, President Nelson Mandela.

Mr. HOUGHTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. Mr. Speaker, I want to thank the gentleman from New York (Mr. HOUGHTON) for yielding me this time and also for putting this wonderful effort together. Once in a while leadership just jumps up and this is the time, and we thank the gentleman so much for doing this.

Mr. Speaker, I was a South African, and I can speak from experience how total was apartheid, how brutal was the regime. I was privileged while in South Africa to participate in the struggle against apartheid and then later in my life as an American citizen to work with individuals and organizations to assure that the boycott against the apartheid regime continued. Throughout my life, Nelson Mandela has been a beacon, a beacon for peace, for justice, for reconciliation. Like Gandhi, like Martin Luther King, Jr., he rose from personal pain to become a hope for all of us. But Members do not really need to hear my words, because President Mandela himself describes himself and his humility, the humility of this man who spent 27 years in jail, 27 years for the crime of believing in democracy. How does he describe himself?

He says, ''I was simply the sum of all those African patriots who had gone before me. That long and noble line ended and now began again with me. I was pained that I was not able to thank them and that they were not able to see what their sacrifices had wrought.''

He said, ''The policy of apartheid created a deep and lasting wound in my country and my people. But it had another unintended effect, and that was that it produced the Oliver Tambos, the Walter Sisulus, the Chief Luthulis, the Yusuf Dadoos, the Bram Fischers, the Robert Sobukwes, men of such extraordinary courage, wisdom, and generosity that their like may never be known again.''

He said, ''Perhaps it requires such depth of oppression to create such heights of character. My country is rich in the minerals and gems that lie beneath its soil, but I have always known that its greatest wealth is its people, finer and truer than the purest diamonds. It is from those comrades in the struggle that I learned the meaning of courage.''

He said, ''I never lost hope that this great transformation would occur. I always knew that deep down in every human heart there is mercy and generosity. No one is born hating another person because of the color of their skin. No one is born hating another person because of their background or their religion. People must learn to hate. And if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite. Even in the grimmest times in prison, I would see a glimmer of humanity in one of the guards, perhaps just for a second, but it would reassure me. Man's goodness is a flame that can be hidden but never extinguished.''

Mr. Speaker, I would like to join with my colleagues in supporting the award of the Congressional Gold Medal to President Nelson Mandela of South Africa.

Ms. WATERS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ).

(Mr. RODRIGUEZ asked and was given permission to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, I am proud to join this bipartisan group of my colleagues to recognize Nelson Mandela and to award him the Congressional Gold Medal as President of the Republic of South Africa.

As this is President Mandela's last year as President, I am encouraged that we will move as quickly as possible so that he will be able to receive this as President of South Africa.

Nelson Mandela sacrificed the prime years of his life, risking everything in the struggle against apartheid. He loves his country, he loves his fellow man, always striving to serve his people. His story is an inspiration to all of us. He loved everyone, regardless of color, class or creed.

I have been especially moved by the profound patience and mercy exhibited by President Mandela. When he came to power, he did not express feelings of anger or revenge. Rather, President Mandela convened a panel to address the brutality that was existing, the murders and apartheid as it existed.

We also take this moment to honor the work and sacrifice of American student Amy Biehl. I ask Members to join me in this effort.

Ms. WATERS. Mr. Speaker, I yield 1 minute to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I too am honored to speak on H.R. 3156 which authorizes the presentation a Congressional Gold Medal to the President of South Africa, President Nelson Mandela.

Mr. Speaker, I recall once watching the movie Dances With Wolves, and Kevin Costner was this young army lieutenant who learned to live with the Sioux Nation. In this one particular scene the Indian medicine man was walking along the river when this Indian chief turned to Mr. Costner and said that his whole life's ambition was to become a true human being.

To my colleagues and friends, Nelson Mandela truly fits the description of this Indian chief's life ambition. He was a true human being. After being tortured and imprisoned for some 30 years, this man holds no sense of bitterness or malice against his enemies. Here is a man, Mr. Speaker, and he truly deserves this award.

Mr. HOUGHTON. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, I thank the gentleman for yielding me this time and I thank him for bringing this measure to the House floor.

Mr. Speaker, if we stop and think about it, our Founding Fathers built

our country on a simple concept called freedom. Freedom is the ingredient that they willed for every human soul. Freedom is not something that Nelson Mandela saw for almost 30 years of his life, yet after getting out of jail, rather than constructing a life built around bitterness or built around revenge, he constructed a life built around freedom, around the simple idea of one man, one vote, around the idea of democracy. For that he deserves both our praise and this Congressional Medal of Honor.

Ms. WATERS. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

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Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS) for her leadership, and I thank the leaders of this bipartisan effort to present the Congressional Gold Medal to Nelson Mandela, the President of South Africa.

Mr. Speaker, among the leaders in the world today there is no one more deserving of our recognition and acknowledgment for this award than Nelson Mandela. The Congressional Gold Medal is an appropriate way to express our sense of honor, our sense of respect for the man who through his pain, his commitment and sacrifice brought pride and democracy to millions of South Africans and also was a symbol of what it meant to be free throughout the world. He became the symbol which ultimately led to the dismantling of apartheid in that country.

Mr. Speaker, apartheid means apartness. Those who supported and stood for the apartheid regime in South Africa would have maintained a system which constitutionally mandated that black South Africa live separately, differently, unlike others and apart from white South Africans. Nelson Mandela refused to accept that condition. He gave more than a quarter of a century of his life in opposition to this condition. I am delighted to join my friends in this award.

PARLIAMENTARY INQUIRY

Ms. WATERS. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. EWING). The gentlewoman will state her inquiry.

Ms. WATERS. Mr. Speaker, I would like to inquire as to the number of minutes left, and also I would like to inquire as to whether or not Members who have wanted to be here and had signed up, who probably are in travel, if they will have an opportunity to enter their statements into the RECORD.

The SPEAKER pro tempore. The Chair would assume that all Members will be given the usual opportunity to insert their statements in the RECORD, and the gentlewoman from California (Ms. WATERS) has 10 minutes remaining, and the gentleman from New York (Mr. HOUGHTON) has 1 minute remaining.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, recently, when the President traveled to Africa, of course one of the most important stops on that trip was South Africa, where we had an opportunity not only to see and talk with Nelson Mandela, but of course young Thabo Mbeki and others who were involved in the anti-apartheid movement. One of the most interesting things about the conversation and the proceedings involving the President of the United States and Nelson Mandela was Nelson Mandela's ability to talk straight talk to the President. There was discussion about the Africa trade bill, and Nelson Mandela was able to raise the kinds of questions that many leaders would not have been able to raise. Easily, and I think as we watched him in the way that he did that, we all concluded that Nelson Mandela had earned the right to ask anybody any questions he would like to ask them, to reserve the right to disagree and to reserve the right to give advice and to talk in ways that very few people get to do on the international stage.

And of course we all recognize that he earned this right because he put his life on the line, the 27 years that he had served much of that time in isolation, the fact that he had contracted tuberculosis while he was in prison, the fact that he sacrificed his family literally for the movement, the fact that he gave his life at a very early age when he first helped to organize the youth movement of the ANC, the fact that he was in the leadership of the protests that were called that are now identified as the famous Sharpville riots where so many lives were lost; all of this on the world stage where people began to rally all over the world and where they developed friends from all over the world who contributed money, who contributed time, who engaged their government all because of the leadership of one man who exercised more power from imprisonment than most of us exercise with all of the freedoms that we have.

I stand here today, and it just so happens that I brought with me a replica of the ballot that was used when Nelson Mandela was elected President of South Africa. Not only is it a beautiful ballot, but it is an instructive ballot. It is a ballot that was designed to make sure that the average person could understand who they were voting for, what parties they were voting for and the face of the persons they were voting for. Here it is, and I keep this as one of my most prized mementos to remind me not only of the struggle of Nelson Mandela and the ANC and Walter Sisulu and Mr. Mbeki and all of the brave warriors that have been involved in the liberation of South Africa, but also to remind me of my own responsibility not only to be the best person that I can possibly be, but to challenge myself on a daily basis about my responsibility to freedom and justice.

To be on the cutting edge of this kind of work is not easy, and certainly we do not gain a lot of friends, but in the final analysis we stand here today with special recognition for Nelson Mandela even though many in our own country were opposed to what he was doing who said that we were going to bring down Wall Street with divestment and sanctions, who said that we were not mindful of the fiduciary responsibility of those who had great portfolios that we were asking to divest from businesses that were doing business in South Africa.

We are honored to be able to honor him today, and we are honored to have lived in a time where we witnessed the fall of a mighty powerful regime that was dedicated to the proposition that it was going to suppress and that it was going to deny and it was going to marginalize and not allow human beings to realize their full potential. This brilliant leader, this President of South Africa, stepped forward from imprisonment not bitter. He stepped forward with an approach that said when we rule it will be a nonracist, a nonsexist government that recognizes every human being, that everybody is important to this government and to this Nation.

If there was one thing that I could end up concluding about Nelson Mandela, it is if there is anybody that ever walked on God's Earth who could be considered a saint, it is Nelson Mandela. This man is still smiling. This man is still understanding that it is important to respect every human being on Earth. Everything that he has sacrificed, everything that he has given up, all of his trials and his tribulations are not for naught. He anointed through his work many people who never thought they would be inspired and motivated to be about the business of freedom. I am very pleased that I stand here today with Democrats and Republicans alike bestowing this honor on a man that a few years ago no one would have believed would have ever become President of South Africa. I am very pleased that there are those who say today, if only I had known, I wish I could have done more, I wish I could have understood better. I am very pleased to stand here today understanding that those who worked hard in the vineyard, those who had to educate, those who had to organize can say today my work was not in vain and how proud I am to have been a part of one of the most important movements in the history of this world.

As we watch the reconciliation hearings that are going on, we are learning an awful lot. We are learning that people on both sides made mistakes and that they are coming forward in this healing process to talk about those mistakes. I shuddered as I listened to some of the testimony. I shuddered as I listened to some of the plots and some of the recognition and some of the admissions, people who killed, people who experimented with all kind of

poisons, people who were describing how anthrax was experimented with. I shudder to think about the lives that were lost.

To tell my colleagues the truth, even though I was working in this movement and spent 7 years in the California State legislature on the legislation before it was passed, I never really thought I would see the day when South Africa would become a democracy, where South Africa would truly emerge with Nelson Mandela as President. I really did believe that blood would flow in the streets before that would have happened. How lucky we are to have our faith and our hope not only restored in all human beings, but to be instilled with the kind of pride that one can only gain from having experienced this movement, from having experienced these kind of human beings.

We think, some of us think, we have had it tough, some of us who think about what has happened here in America, and some of us who look at what happened just recently in Jasper, Texas, and we talk about how bad it has been and how bad it may be. But I want to tell my colleagues the warriors who helped to move South Africa all have stripes on their backs, the Sisulus and the Mbekis spent all 25 and 30 years in prison and came out and did this work, and while I am disgusted with just what happened to Mr. Byrd, Jr., in Jasper, Texas, and while I am disgusted with the copycat actions that have taken place since that time, and while I know the history of my foreparents here in America, and I understand what slavery is all about, and I understand what racism is all about, and I understand what discrimination is all about, as bad as it was, it does not measure up to what was going on in South Africa and the number of lives that have been lost.

And so I take this time on the floor of Congress today not only to gloat and to enjoy and to commend and to brag a little bit, but to simply say I guess I am proud to be an American today, and I hope that all of the Members of Congress will somehow be stronger and better because we move today to join hands across the aisle to recognize a man that perhaps could not have been recognized a few years back. I hope that we are resolved in our work to be just a little bit better and to confront any thoughts of racism and discrimination that we may harbor. I hope that we will not sit in a back room or we will not be involved in any shape, form or fashion in supporting racism ever again in our lives.

It is never too late to change.

Mr. Speaker, I yield back the balance of my time.

Mr. HOUGHTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LEACH).

(Mr. LEACH asked and was given permission to revise and extend his remarks.)

Mr. LEACH. Mr. Speaker, I rise in strong support of this bill.

Thank you, Mr. Speaker. I rise today in support of H.R. 3156, a bill to present a congressional gold medal to one of the towering figures of the 20th century, Nelson Mandela.

President Mandela is one of the most remarkable individuals of our time. His extraordinary personal devotion and sacrifice on behalf of multi-racial democracy in South Africa is an inspiration not only to the people of South Africa, but the United States and the world. President Mandela is a powerful symbol of courage, determination, hope, and perhaps above all, the uplifting power and majesty of mankind's enduring search for right in a world too often overwhelmed by wrongs.

As many Members recall, the struggle for a free South Africa presented a troubling philosophical dilemma for two conservative administrations in Washington. While the first Republican presidency chose to risk war rather than compromise principles to end extremist apartheid—slavery—the last two Republican administrations preferred to work with rather than against the former white-led government in Pretoria in an effort to help abolish apartheid in as civil and bloodless a way as possible. Fortunately, Washington found in F.W. de Klerk an establishment leader with the courage to change and in Nelson Mandela a uniquely martyred aspirant. Together in competitive combination they produced a unusually civilized political phenomenon—evolutionary revolution.

While economic sanctions seldom work, it was my view and that of our former colleague Ron Dellums and others that the U.S. had no ethical or political alternative except to embrace sanctions. Ending apartheid in this century was as great a moral imperative as ending slavery was in the last. Nonetheless, too often we forget the distinction between governments and their people, and too often sanctions aimed at punishing governments punish people.

One of the important models of U.S. policy is thus to understand why sanctions were not only appropriate but proved workable in South Africa. The key, it seems to me, is that they were overwhelmingly supported by the majority of the South African populace and their leaders such as Nelson Mandela.

Nelson Mandela led a revolution from prison, and, to the astonishment of the world, succeeded without irreparable violence.

For a victim of racism to champion multiculturalism rather than reverse racism reflects a largeness of spirit that merits the appreciation not only of his country but the community of nations, most particularly this one. I therefore urge support for this very symbolic legislation.

Mr. HOUGHTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleagues very much for this debate. Mr. Speaker, this has been a wonderful debate, a wonderful expression of sentiments, feelings about people in this country. As I listened to it, Mr. Mandela is not only bringing South Africans together but I have a feeling he is bringing all of us together.

One other point: I am told that all great ideas ultimately degenerate into work. There was a great deal of enthusiasm, but also there was a great deal of work involved, and I want to thank Robert Van Wicklin for all he has done.

GENERAL LEAVE

Mr. HOUGHTON. Mr. Speaker, I ask unanimous consent for all Members to have five legislative days to be able to revise and extend their remarks on H.R. 3156.

The SPEAKER pro tempore. Is there objection to request of the gentleman from New York?

There was no objection.

Mr. GEPHARDT. Mr. Speaker, I rise today to urge support for the passage of H.R. 3156, a bill which would authorize the President to present, on behalf of Congress, a Congressional gold medal to President Nelson Mandela of South Africa in recognition of his lifetime dedication to the abolition of apartheid and the promotion of freedom and justice for all the people of his nation. I can think of no person who deserves such an honor more than Nelson Mandela.

In the face of great adversity and suffering extreme personal hardship and sacrifice, President Mandela led the struggle to bring an end to the insidious policy of apartheid and to establish in its place a flourishing multi-racial, multi-ethnic democracy in South Africa. His steadfast dedication to these goals continues to galvanize and serve as an inspiration to those around the world who are struggling for freedom, justice, and democracy today.

Moreover, President Mandela's commitment to the people of South Africa did not end with the lifting of apartheid. Since assuming the presidency in 1994, he has strived to further the process of healing and reconciliation of all of South Africa's people. Bearing no malice for the injustice and mistreatment he suffered under apartheid, he has sought to bring South Africans of all races and cultures together in a spirit of peace, humility, and reconciliation. The strength of South Africa's emerging pluralism today is a testament to President Mandela's integrity, courage and leadership. His vision serves as a model across the world.

It is for this reason that I am a proud original co-sponsor of this measure. It is more an honor than a privilege to urge the bestowal upon Nelson Mandela of one of our nation's highest honors. I hope all Members will join me in recognizing Nelson Mandela by supporting this measure before us today.

Mr. PAYNE. Mr. Speaker, I rise in support of the Nelson Mandela Congressional Gold Medal Award sponsored by my colleague, AMO HOUGHTON—the gentleman from New York. I know of no person that deserves to receive this award than President Nelson Mandela.

I have had the opportunity of meeting with President Mandela on several occasions. The most moving experience, no matter how many times I go there, is visiting the notorious Robben Island where Mandela spent 27 of his years in solitary confinement in the maximum security prison. He had to pick rocks with a small hammer every single day. It takes a very strong man to endure this type of treatment and come out of prison and forgive, become the President and lead his country out of apartheid era to one of rebirth.

And I will be visiting South Africa next month to discuss with him a telecommunications project and satellite systems to go to townships in rural area facilitated by the Discovery Channel. I can truly say that he is thoughtful, yet punctual and disciplined man. The years in jail reinforced habits that were already entrenched. With a standard working

day of at least 12 hours, time management is critical.

Let me say that I am very disturbed by the recent finding by the Truth and Reconciliation Commission. Rensburg, a researcher at the Roodeplaat Research Labatories (RRL), which produced chemical and biological weapons for the apartheid security forces, said his boss Andre Immelman told him of a plan to poison Mandela. The secret document contained statements saying and I quote, ''Mandela must be in a relatively weak physical condition so that he can not operate as a leader for long.'' This lethal poison thallium was to be placed in the form of chocolates and other foods. If he had taken this—if he did not die—he would have had severe brain damage. I can not imagine any man having to endure this horrific treatment.

President Mandela says his greatest pleasure, in his most private moment, is watching the sun set with the music of Handel, Tchaikovsky or African chorus playing. Locked up in his cell during daylight hours, deprived of music, both these simple pleasures were denied him for decades. In a life that symbolizes the triumph of the human spirit over man's inhumanity against man, let us make this simple gesture to the President of the Nation.

Ms. EDDIE BERNICE JOHNSON of Texas. I rise today in support of H.R. 3156, a bill that would give the President of the Republic of South Africa, Mr. Nelson Mandela, the Congressional Gold Medal.

Led by Rep. AMO HOUGHTON, Speaker of the House NEWT GINGRICH and minority leader DICK GEPHARDT, this bill would bestow the Nation's highest civilian honor on a much deserving candidate. It is an honor to be among the cosponsors of this bill.

Mr. Speaker, since the first gold medal was given to George Washington in 1776 more than one hundred medals have been awarded.

Most recently we awarded the gold medal to Mother Teresa, The Rev. Billy and Ruth Graham and Greek Orthodox Patriarch Bartholomew. These honorable people along with all the recipients of the Congressional Gold Medal have been instrumental in the development of the societies and communities that span across the seven seas, helping to shape, the world as we know it. Nelson Mandela has lived his life within the confines of this longstanding tradition that the gold medal represents.

Mr. Speaker, Nelson Mandela has made it his purpose in life to rid his beloved native land of the evil constraints of apartheid while empowering his fellow citizens with a democratic society. For three decades, Mr. Mandela was imprisoned for his efforts yet he never compromised his beliefs or relinquished his commitment to freeing South Africa from its racist torment. This was made obviously clear when he became the father of the nation that incarcerated him.

Mr. Speaker, he is a rare human being who emerged from prison to become president.

Mr. Speaker, this will be Nelson Mandela's final year in office. Along with my colleagues, I feel that honoring him at this time would be most appropriate.

Ms. McCARTHY of Missouri. Mr. Speaker, today I rise to pay tribute to one of the greatest leaders of our era, President Nelson Rolihlaha Mandela

Nelson Mandela's lifelong struggle to abolish apartheid in South Africa earned him the Nobel Peace Prize in 1993, the Presidency of his country and worldwide acclaim. Nelson Mandela spent twenty-seven years in prison because he believed in the equality of all, sacrificing his own personal liberty for his convictions.

The Congressional Gold Medal is a fitting tribute to this most deserving leader. Following his ascendancy to the Presidency of his nation, President Mandela signed into law the South Africa's new constitution which includes sweeping human rights and anti-discrimination guarantees. Nelson Mandela has never wavered in his devotion to democracy and equality. Despite terrible provocation, he has never responded in kind to the scourge of racism. His life has been an inspiration, in South Africa and throughout the world, to all who are oppressed and deprived and to all who are opposed to oppression and deprivation.

I hope that we all examine our souls and understand our responsibility to make our own nation as tolerant of diversity as Mr. Mandela has worked to make South Africa; not just for the sake of our own generation, but the generations to come.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to join my colleagues in honoring one of the great heroes and leaders of this century, Nelson Mandela. President Mandela should be an inspiration to us all—despite unbelievable pain, defeat and suffering, he did not become bitter. Despite almost 30 years in prison, Nelson Mandela did not give up hope. He did not get lost in a sea of despair.

Instead, he turned his suffering into something meaningful. He believed in the power of possibility and of hope. He came out of jail willing to work with his jailers, willing to being the healing of his country.

Because of his leadership and his example, the future of South Africa holds promise. The country must meet many difficult challenges, but they meet them led by a man who has shown tremendous courage and compassion.

Nelson Mandela takes us closer to what Dr. Martin Luther King, Jr. used to call the Beloved Community, a community based on justice, hope and compassion—a community at peace with itself.

President Mandela, I honor you and I hope that we in this country and all over the world can learn from you and your example.

Mr. LAFALCE. Mr. Speaker, this afternoon Members of the House are rising to explain to our colleagues and the American public why it is fitting for the House of Representatives to award a Congressional Gold Medal to the President of South Africa, the Honorable Nelson Mandela. At the same time, a delegation of South African government officials is at work in our nation's capital. The delegation has just concluded two days of meetings in New York and has traveled to Washington, D.C. to explore how the South African government can work with their nation's financial community to foster community development in their homeland.

As one would expect, the racial composition of that delegation is mixed, drawn from the black and white populations within South Africa. It is a delegation of individuals working together for their government and the people of their nation. Would this delegation, different in race but together in spirit and purpose, be possible today if it were not for the life-long efforts of Nelson Mandela? Perhaps, but not likely.

Others more familiar with President Mandela's life journey from a prison cell to the Office of the President of South Africa will speak eloquently about the man we honor. I rise simply to say I believe it is most appropriate to honor a man who is the recipient of the 1993 Noble Peace Price and a man who will soon step down as President of South Africa when his term expires in April of 1999.

H.R. 3156 was introduced by Congressman AMO HOUGHTON. It is co-sponsored by a majority of the House, including Speaker GINGRICH and Minority Leader GEPHARDT. The Congressional Gold Medal is our nation's highest civilian honor presented to just over 100 individuals in our nation's history. Nelson Mandela will join people like Thomas Edison, Robert Frost, Winston Churchill and, most recently, Mother Teresa as Congressional Gold Medal recipients.

I extend my gratitude to my colleagues on the Banking Committee, notably Chairman LEACH and the Chairman and Ranking Member of the Domestic and International Monetary Policy Subcommittee, Congressman CASTLE and Congresswoman WATERS, respectively, for their efforts in bringing this bill to the floor today. I urge my colleagues to support H.R. 3156 and ask you to join with me to congratulate Nelson Mandela for his life's work.

Mr. HAMILTON. Mr. Speaker, I rise in strong support of H.R. 3156, and I commend our colleague AMO HOUGHTON for his initiative, leadership, and hard work in garnering some 290 cosponsors of the bill and in bringing it before the House. I am pleased to be an original cosponsor of this bill to give the Congressional Gold Medal to Nelson Mandela, because he is one of the great leaders of our time.

Nelson Mandela stands out about all else for his espousal of policies of reconciliation and his vision of the future. This is remarkable for a man who, for most of his adult life, was a prisoner of apartheid, spending 27 years in prison, including 18 on Robben Island.

In the past four years, Nelson Mandela has striven to bring South Africa's races together. While seeking to improve the lives of South Africa's disadvantaged, a majority of the population, Nelson Mandela continued to address the concerns of all South Africans. By leading a government of national unity, Mandela successfully practiced a policy of inclusiveness, and reached out to a broad range of South African society.

President Mandela led South Africa through its historic transition, culminating in his election as president in 1994. During his presidency, the government has focused on improving health care, education, and housing for South Africa's disadvantaged population. President Mandela's government also implemented market-oriented economic policies that have maintained international confidence in South Africa's stability.

In addition, Mr. Mandela, having announced from the beginning that he would serve only one term, stepped down last December as head of the African National Congress, clearing the way for his successor who will be chosen in next year's elections.

In 1993, Nelson Mandela was awarded the Nobel Peace Prize which recognized his efforts and accomplishments in opposing apartheid and in diminishing the gap between blacks and whites in South Africa. It is a fitting tribute to this great leader that he receive the Congressional Gold Medal.

Mr. Speaker, I again commend Mr. HOUGHTON on his work on this legislation and I urge the House to pass this resolution.

Mr. CONYERS. Mr. Speaker, we are here today to ask that the United States Congress award its highest distinction to Nelson Mandela, a man who fought for freedom for the people of South Africa, and became a beacon of hope for people all around the world. When on trial for the crime of fighting against apartheid, he said these famous words:

I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and achieve. But if needs be, it is an ideal for which I am prepared to die.

When, after a quarter century of imprisonment, Nelson Mandela was inaugurated President of South Africa in 1994, he did not disappoint the millions of people who believed in him. He embarked on the hard path of reconciliation and healing, rather than the easy road of revenge and divisiveness.

I and many of my colleagues had the honor of working with President Mandela when we voted to impose sanctions on the old South Africa, and many of us were able to meet with him again when we traveled to the new South Africa with the President. Mr. Speaker, there is no one who fought more or gave up more for the ideals of justice and equality which Americans hold dear. And therefore, I believe that there is no one more worthy of receiving the honor of a Congressional Gold Medal.

Ms. LEE. Mr. Speaker, I rise today in strong support of H.R. 3156, the bill to award the Congressional Gold Medal to President Nelson Mandela.

As one of the most gentle, charismatic, and dynamic leaders in history, the life of Nelson Mandela stands as source of strength for all who have experienced and oppression, and an inspiration to those ho continue the struggle to overcome injustice and discrimination against others.

After suffering conditions that would cause most to lash out in pain and anger, this remarkable peaceful man never countered racism with hatred. Despite spending nearly three decades of his life imprisoned, Nelson Mandela never wavered in his commitment to peace, freedom, and social and economic justice not only for the people of South Africa, but globally. In this way, he provides for us a profound example of the ability of the human spirit to rise up and triumph over evil forces.

Many in this chamber may be aware of the pivotal role that my predecessor, The Honorable Ronald V. Dellums, played in proposing sanctions against the apartheid regime of South Africa, which helped to bring its downfall. The sanctions were ultimately instrumental in the release of Nelson Mandela from prison and the successful transition of the country to a truly non-racial democracy.

On May 10, 1994, as an international poll observer in South Africa, I had the humbling and incredible experience to witness the first free, peaceful, democratic elections which chose this extraordinary human being as President. There is no more appropriate and fitting leader to lead the people of South Africa into their bright and hopeful future. In the past four years, under the leadership of Nelson Mandela, South Africa has grown substantially stronger and healthier, and stands as a world leader in its own right.

I am proud and pleased to join with my colleagues today in support of H.R. 3156. It is fitting at this moment in our history to recognize and honor the President of South Africa, His Excellency Nelson Rolihlahla Mandela, with the Congressional Gold Medal.

Mr. LAFALCE. Mr. Speaker, this afternoon Members of the House are rising to explain to our colleagues and the American public why it is fitting for the House of Representatives to award a Congressional Gold Medal to the President of South Africa, the Honorable Nelson Mandela. At the same time, a delegation of South African government officials is at work in our nation's capital. The delegation has just concluded two days of meetings in New York and has traveled to Washington, D.C. to explore how the South African government can work with their nation's financial community to foster the community development in their homeland.

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Mr. LEACH. Mr. Speaker. I rise today in support of H.R. 3156, a bill to present a congressional gold medal to one of the towering figures of the 20th century, Nelson Mandela.

President Mandela is one of the most remarkable individuals of our time. His extraordinary personal devotion and sacrifice on behalf of multi-racial democracy in South Africa is an inspiration not only to the people of South Africa, but the United States and the world. President Mandela is a powerful symbol of courage, determination, hope, and perhaps above all, the uplifting power and majesty of mankind's enduring search for right in a world too often overwhelmed by wrongs.

As many Members recall, the struggle for a free South Africa presented a troubling philosophical dilemma for two conservative administrations in Washington. While the first Republican presidency chose to risk war rather than compromise principles to end extremist apartheid—slavery—the last two Republican administrations preferred to work with rather than against the former white-led government in Pretoria in an effort to help abolish apartheid in as civil and bloodless a way as possible. Fortunately, Washington found in F.W. de Klerk an establishment leader with the courage to change and in Nelson Mandela a uniquely martyred aspirant. Together in competitive combination they produced an unusually civilized political phenomenon—evolutionary revolution.

While economic sanctions seldom work, it was my view and that of our former colleague Ron Dellums and other leaders outside Congress such as Randall Robinson that the U.S. had no ethical or political alternative except to embrace sanctions. Ending apartheid in this century was as great a moral imperative as ending slavery was in the last. Nonetheless, too often we forget the distinction between governments and their people, and too often sanctions aimed at punishing governments punish people. One of the most important models of U.S. policy is thus to understand why sanctions were not only appropriate but proved workable in South Africa. The key, it seems to me, is that they were overwhelmingly supported by the majority of the South African populace and their legitimate though unelected leaders such as Nelson Mandela.

Nelson Mandela led a revolution from prison and, to the astonishment of the world, succeeded without unleashing either irreparable violence or counter-productive retribution.

For a victim of racism to champion multiculturalism rather than reverse racism reflects a largeness of spirit that merits the appreciation not only his country but the community of nations, most particularly this one. I therefore urge support for this very symbolic legislation.

Mr. HOUGHTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 3156.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FASTENER QUALITY ACT AMENDMENTS

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3824) amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft, as amended.

The Clerk read as follows:

H.R. 3824

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT.

Section 15 of the Fastener Quality Act (15 U.S.C. 5414) is amended—

(1) by inserting ''(a) TRANSITIONAL RULE.—'' before ''The requirements of this Act''; and

(2) by adding at the end the following new subsection:

''(b) AIRCRAFT EXEMPTION.—

''(1) IN GENERAL.—The requirements of this Act shall not apply to fasteners specifically manufactured or altered for use on an aircraft if the quality and suitability of those fasteners for that use has been approved by the Federal Aviation Administration, except as provided in paragraph (2).

''(2) EXCEPTION.—Paragraph (1) shall not apply to fasteners represented by the fastener manufacturer as having been manufactured in conformance with standards or specifications established by a consensus standards organization or a Federal agency other than the Federal Aviation Administration.''.

SEC. 2. DELAYED IMPLEMENTATION OF REGULATIONS.

The regulations issued under the Fastener Quality Act by the National Institute of Standards and Technology on April 14, 1998, and any other regulations issued by the National Institute of Standards and Technology pursuant to the Fastener Quality Act, shall not take effect until after the later of June 1, 1999, or the expiration of 120 days after the Secretary of Commerce transmits to the Committee on Science and the Committee on Commerce of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, a report on—

(1) changes in fastener manufacturing processes that have occurred since the enactment of the Fastener Quality Act; and

(2) any changes in that Act that may be warranted because of the changes reported under paragraph (1).

The report required by this section shall be transmitted to the Committee on Science and the Committee on Commerce of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate, by February 1, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. BARCIA) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3824.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1500

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SENSENBRENNER asked and was given permission to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, the Fastener Quality Act was signed into law in 1990. It required all threaded metallic fasteners of one-quarter inch diameter or greater that reference a consensus standard to be documented by a National Institute of Standards and Technology's certified laboratory. Although the legislation has been on the books for over 8 years, concerns over the bill's impact on the economy have delayed its implementation of final regulations. NIST regulations are slated to go into effect on July 26 of this year.

H.R. 3824 amends the Fastener Quality Act by exempting fasteners produced or altered to the standards and specifications of aviation manufacturers from the new regulations. Exempting the proprietary fasteners of aviation manufacturers from the Fastener Quality Act makes sense, considering aviation manufacturers are already required by law to demonstrate to the FAA that they have a quality control system which ensures that their products, including fasteners, meet design specifications. Subjecting the proprietary fasteners of aviation manufacturers to a second set of Federal regulations is redundant and unnecessary. In fact, the FAA has stated that doing so may even undermine the current level of aviation safety.

In addition to the Fastener Quality Act's impact on aviation manufacturing, several questions have been raised about the Act's effect on other industries. For instance, the automotive industry projects costs of compliance through the motor vehicle industry could be greater than $300 million a year without necessarily enhancing vehicle safety.

Furthermore, since 1990, the scope of the Fastener Quality Act seems to have grown. Originally intended to ensure public safety, today, if the NIST regulations are to be implemented, even garden hose fasteners such as those produced by Sheboygan Screw Products, Incorporated, in my district could be forced to comply with the additional burdens of the Act. I am not sure what dangers faulty garden hose fasteners may cause, but I am sure that preventing the public from being susceptible to hose failures will be expensive.

Mr. Speaker, H.R. 3824 addresses the concerns by, first, delaying the regulations issued by NIST under the Fastener Quality Act on this subject until after June 1, 1999. Second, requiring the Secretary of Commerce to transmit to Congress a report on changes in fastener manufacturing processes that have occurred since the enactment of the Fastener Quality Act and recommend any changes to the act that may be warranted because of those changes.

Delaying NIST regulations until next year gives us the opportunity to take a closer look at the Fastener Quality Act, especially considering it was crafted over 8 years ago. As Chairman of the Committee on Science, I have pledged to hold additional hearings on this issue in the coming months. We may find that changes in the fastener manufacturing products have diminished the need for further regulations in this area, or even that this act should be repealed.

H.R. 3824 was reported by the Committee on Science on May 13, 1998. It has wide bipartisan support and it has been endorsed by several business organizations, including the United States Chamber of Commerce. Original cosponsors of this legislation include the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Utah (Mr. COOK).

In addition, I wish to thank the gentleman from Virginia (Mr. DAVIS); the gentleman from Michigan (Mr. BARCIA); the gentleman from Ohio (Mr. TRAFICANT); the gentleman from Pennsylvania (Mr. DOYLE); the gentleman from Illinois (Mr. HASTERT); the gentleman from Tennessee (Mr. GORDON) the gentleman from Illinois (Mr. PORTER); the other gentleman from Illinois (Mr. WELLER); and the third gentleman from Illinois (Mr. MANZULLO) for endorsing this bill and helping promote its speedy passage. I would also like to thank the Committee on Commerce chairman, the gentleman from Virginia (Mr. BLILEY) and the ranking member, the gentleman from Michigan (Mr. DINGELL), as well as the Committee on Transportation and Infrastructure chairman, the gentleman from Pennsylvania (Mr. SHUSTER) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for discharging the bill to enable its passage before the July 26 regulatory deadline.

Mr. Speaker, at this point I would insert our committee's exchange of correspondence into the RECORD, and I strongly urge all of my colleagues to support this common sense regulation.

COMMITTEE ON COMMERCE,
Washington, DC, June 3, 1998.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, House Committee on Science,
Washington, DC.

DEAR JIM: On May 13, 1998 the Committee on Science ordered reported H.R. 3824, a bill amending the Fastener Quality Act of 1990 (15 U.S.C. §5401 et al.) to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft. As you know, the Committee on Commerce was named as an additional committee of jurisdiction and has had a longstanding interest in the issue of fastener quality and the Fastener Quality Act. This interest goes back to the 100th Congress, at which time the Committee undertook an investigation of counterfeit and substandard fasteners. This investigation resulted in the issuance of a unanimously approved Subcommittee report entitled ''the Threat from Substandard Fasteners: Is America Losing Its Grip?'' which ultimately led to the approval by our respective committees of the Fastener Quality Act of 1990.

H.R. 3824, as ordered reported, would amend the Fastener Quality Act in two ways. First, the bill exempts fasteners approved for use in aircraft by the Federal Aviation Administration from the requirements of the Act. Secondly, it delays implementation of the final regulations until the Secretary of Commerce and the Congress have had an opportunity to consider developments in manufacturing and quality assurance techniques since the law was enacted.

Because of the important and timely nature of these amendments to the Fastener Quality Act, I recognize your desire to bring this legislation before the House in an expeditious manner. I also understand that you

have agreed to address several technical issues raised by this Committee in a manager's amendment to be offered on the Floor. Therefore, with that understanding, I will waive consideration of the bill by the Commerce Committee. By agreeing to waive its consideration of the bill, the Commerce Committee does not waive its jurisdiction over these provisions. In addition, the Commerce Committee reserves its authority to seek conferees on these and any other provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I would seek your commitment to support any request by the Commerce Committee for conferees on amendments to the Fastener Quality Act or related legislation.

I would appreciate your including this letter as a part of the Committee's report on H.R. 3824 and as part of the record during consideration of this bill by the House.

Sincerely,

TOM BLILEY,
Chairman.

COMMITTEE ON SCIENCE,
Washington, DC, June 4, 1998.

Hon. THOMAS J. BLILEY, Jr.,
Chairman, House Committee on Commerce, Washington, DC.

DEAR CHAIRMAN BLILEY: Thank you for your letter of June 3 regarding H.R. 3824, the recently passed Science Committee amendments to the Fastener Quality Act (FQA) of 1990 (15 U.S.C. §5401 et seq.).

I appreciate your willingness to work with us to examine the need to amend the FQA.

As you note in your letter, the Committees on Commerce and Science have long shared jurisdiction over FQA. By agreeing to the expeditious consideration of H.R. 3824 on the House floor, the Committee on Commerce does not waive any of its jurisdictional rights. Should the Committee on Commerce seek conferees on provisions of the bill within its jurisdiction, I will support such a request.

The Committee on Science will include this exchange of letters within the report of the Science Committee and will work with you to ensure that the technical amendments to the bill requested by your Committee are included in the bill when H.R. 3824 is brought before the full House for its consideration.

I look forward to continuing to work with you on this and other matters.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

COMMITTEE ON SCIENCE,
Washington, DC, June 4, 1998.

Hon. BUD SHUSTER,
Chairman, House Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN SHUSTER: Thank you for helping expedite consideration of H.R. 3824, the recently passed Science Committee amendments to the Fastener Quality Act (FQA) of 1990 (15 U.S.C. §5401 et seq.), by agreeing not to request a sequential referral on the bill. I agree that through this action the Committee on Transportation and Infrastructure does not waive any of its jurisdictional rights associated with the bill.

Additionally, the Committee on Science will include this exchange of letters within the report of the Science Committee.

I look forward to continuing to work with you on this and other matters.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, June 5, 1998.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on Science, Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Committee on Science recently ordered reported H.R. 3824, a bill amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft.

In recognition of your Committee's desire to move this legislation expeditiously through the House of Representatives, the Committee on Transportation and Infrastructure agrees to waive its referral of the bill. However, this action should not be construed as waiving or otherwise diminishing the Committee on Transportation and Infrastructure's jurisdiction over the bill or issues associated with H.R. 3824. In addition, should a conference on H.R. 3824 or a similar measure become necessary, I would ask you to support the Committee on Transportation and Infrastructure being represented on the conference committee. Finally, I ask that you make this letter a part of the Committee on Science's report on the bill.

Once again, it has been a pleasure working with you and your staff, and I look forward to seeing H.R. 3824 scheduled for Floor consideration very soon.

With warm personal regards I am

Sincerely,

BUD SHUSTER,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. BARCIA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the Committee on Science leadership, especially the gentleman from Wisconsin (Mr. SENSENBRENNER); the ranking Democratic Member, the gentleman from California (Mr. BROWN); and the chairwoman of the Subcommittee on Technology (Mrs. MORELLA); as well as the gentleman from Michigan (Mr. DINGELL), the principal author of the Fastener Quality Act, for their diligence in bringing House Resolution 3824 to the floor on an expedited basis.

Through today's action, we in the House are showing that we are ready and willing to do our part in making these corrections, and we hope that the Senate will find a way to bring their bill to the floor as soon as possible. We on the House side stand ready to do all that is necessary to clear this legislation for the President in advance of the July 4th district work period.

It is clear from our subcommittee hearing, and from extensive conversations we have had with a cross-section of manufacturing companies, that it would be unwise to allow regulations implementing the Fastener Quality Act to go into effect without a careful review of how that act relates to the current state of manufacturing. In fact, the automobile industry has estimated that they will incur more than $300 million in annual compliance costs should this legislation fail to be signed by the President before the July 26 implementation date.

The primary purpose of the Fastener Quality Act was to avoid disasters caused by the counterfeiting of bolts by unscrupulous manufacturers. Unlike the proprietary fasteners of auto or aircraft manufacturers, many of these fasteners were not easily traceable from their end use back to their manufacturer.

However, while it has been argued that an increasingly competitive marketplace has made the Fastener Quality Act unnecessary, we know of no current study showing the extent to which protections, other than the Fastener Quality Act, are now in place to prevent a recurrence of the old problem. In fact, many of the countries that exported defective fasteners in the 1980s are currently in economic turmoil and their current economic situation may cause them to once again exhibit unscrupulous behavior and flood American markets with counterfeit fasteners.

Therefore, I feel the study contained in the act is necessary to give us the assurance that the problem is permanently under control before we relax the act for nonproprietary fasteners.

Mr. Speaker, I strongly urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA), who is the chair of the subcommittee that helped develop this bill.

Mrs. MORELLA. Mr. Speaker, I rise today as an original cosponsor of H.R. 3824 and a very strong proponent of its speedy enactment. I want to very much thank the Committee on Science chairman the gentleman from Wisconsin (Mr. SENSENBRENNER); the ranking member the gentleman from California (Mr. BROWN); and indeed the ranking member on the Subcommittee on Technology (Mr. BARCIA). We have all worked together very closely on this bill, because it is important.

Last month, the Subcommittee on Technology held a hearing to examine the 1990 Fastener Quality Act in aviation manufacturing. There was wide agreement by the aviation industry, the FAA, and NIST, that passage of the aviation exemption found in H.R. 3824 would save aviation manufacturers and their consumers money, while enhancing public safety.

In addition to addressing issues raised about the Fastener Quality Act's impact on the aviation industry, I am pleased that H.R. 3824 also includes an amendment that I offered during the Committee on Science's markup of the legislation, in cooperation with the Subcommittee on Technology's ranking member, the gentleman from Michigan (Mr. BARCIA), to delay the implementation of the Fastener Quality Act's regulations on all other industries until June of 1999, or 120 days after the Secretary of Commerce issues a report on changes needed to the law, whichever is later.

Under the amendment, the Secretary of Commerce is required to submit to

Congress a report on the improvements that have taken place over the last 9 years and the manner in which fasteners are manufactured. Based on these improvements and any other relevant information derived from the Secretary's review, or the Committee on Science's hearing record, the Secretary must make recommendations to Congress on how best to alter the 1990 act. Mr. Speaker, it is my expectation that the Secretary will find that substantive and important changes to the act are needed in order to ensure that our Nation's economy does not suffer from outdated regulations.

Following the Secretary's report, Congress will have 120 days to act on the recommended changes or proposed alternative provisions. To ensure that we are ready when the time comes, the Subcommittee on Technology will begin to hold hearings this summer on the need to further revise the Fastener Quality Act.

Without the delay in implementation of the regulations, several industries, including the automotive manufacturing industry, may suffer production delays that will impede product delivery and increase costs. As we all know, increases in production costs result in job lay-offs and higher prices charged to consumers.

Over the next year, I look forward to continuing my work with the automotive manufacturers, the fastener manufacturers, and countless other businesses, both large and small, which are impacted by the Fastener Quality Act. Working together, I am certain that we can remove the act's most burdensome and redundant provisions without in any way jeopardizing public safety.

The General Aviation Manufacturers of America, Aerospace Industries Association of America, American Automobile Manufacturers Association, the Association of International Automobile Manufacturers, the National Air Transportation Association, and the U.S. Chamber of Commerce, and others, have all endorsed H.R. 3824, and indeed, it has bipartisan support from the Committee on Science, and I am pleased the Committee on Commerce has passed it forward. I urge all of my colleagues to support this very important legislation.

I reiterate my thanks to Chairman SENSENBRENNER, Ranking Member BROWN, my Technology Ranking Member BARCIA and my appreciation to our capable staffs. On the majority side, thanks to Jeff Grove, Richard Russell, Mike Bell, and Barry Beringer, and on the minority side, Jim Turner and Rob Ryan.

Mr. BARCIA. Mr. Speaker, I too would like to compliment the gentlewoman from Maryland (Mrs. MORELLA) for her bipartisan approach towards solving this particular problem, but in general also the very fair and impartial fashion that she conducts business before our Subcommittee on Technology, and that also is extended to the chairman of the full committee the gentleman from Wisconsin (Mr. SENSENBRENNER), who I consider certainly a privilege to be able to work with both of those, as well as the ranking Democrat, the outstanding gentleman from California (Mr. BROWN).

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE), a good friend and colleague of mine from my home State.

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as cochairman of the Congressional Automotive Caucus, I rise in support of H.R. 3824, the Fastener Quality Act Amendments of 1998. Mr. Speaker, I proudly represent a district with strong ties to the automotive industry. Automakers are committed to quality, and recent history proves quality is the number 1 concern for workers, management, and suppliers. This commitment has not only improved sales, but it has improved pride.

Few can deny the changes in the auto industry over the past decade. Faced with increasing competition overseas, the Big Three have worked hard to improve efficiency and service. I am concerned that dedicated workers be valued and protected during times of change. I am also impressed with innovative developments in inventory and supply.

One innovation is QS–9000, a quality assurance system that provides high-quality parts to the auto industry. Furthermore, it ensures safety by mandating consistent, measurable production standards.

The National Institute of Standards and Technology has interpreted FQA to require lot testing of fasteners supplied to the auto industry, and implementation of this requirement is set to begin later this summer. Unfortunately, a shortage of certified laboratories currently exists, threatening to delay parts supply to vehicle assembly lines nationwide. With passage of H.R. 3824, this implementation will be postponed, and a near-term crisis can be avoided.

Mr. Speaker, working together, government and industry will continue to ensure quality and safety. At the same time, we will promote the long-term health of an industry that produces high-quality vehicles and high-quality jobs.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota (Mr. GUTKNECHT), a member of the Committee on Science.

Mr. GUTKNECHT. Mr. Speaker, I want to thank first of all the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time, and for his leadership on this. I also want to say a special ''thank you'' to the gentlewoman from Maryland (Mrs. MORELLA) for her leadership on this issue.

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I rise in support of H.R. 3824, but I want to talk just for a few moments about the history and how the United States got into this business.

About 10 years ago, there was a walkway at a hotel down in Kansas City that collapsed. Many believed that the reason was faulty fasteners. It is interesting that that was the motivation of getting us into the business of regulating the manufacture of fasteners. The truth of the matter is when the final study was done, it was not the result of faulty fasteners even in the first place.

Mr. Speaker, let me just read a paragraph from a letter from Mr. Bruce Josten from the United States Chamber of Commerce. This is the middle paragraph:

''The Fastener Quality Act sought to ensure the quality of industrial fasteners by requiring uniform inspections and testing by the National Institute of Standards and Technology accredited laboratories. Despite its enactment in 1990, its emanating regulations have not been implemented due to the enormous difficulty in fulfilling the Act's requirements and its attendant burdens and costs to manufacturers, particularly small businesses and consumers.''

Mr. Speaker, that is what a lawyer would say, and what I would say, is a $20 solution to a $2 problem. And frankly I am delighted that we have this bill before us today. I think it is a good step in the right direction. But even better news is that the chairman of the Committee on Science and the chairwoman of the Subcommittee on Technology have agreed that this is a good starting point and that we ought to have hearings to talk about repealing this legislation altogether.

When this bill was first introduced eight years ago, the National Institute of Standards and Technology opposed this bill, and they oppose it still.

So this is a step in terms of common sense. I support the bill, and I do support having additional hearings geared towards ultimately eliminating this needless regulation.

Mr. BARCIA. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. BROWN), the very distinguished former chair of the House Committee on Science, as well as the current ranking member of that committee, who of course has a very long period of service in terms of science issues on the committee.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, I thank the distinguished gentleman from Michigan (Mr. BARCIA) for being so generous in yielding time to me. I was only going to make a short 1-minute statement, so now I will have to speak for the whole 5 minutes, I guess.

Mr. Speaker, let me first confirm what the gentleman from Michigan (Mr. BARCIA) has said earlier about the high degree of cooperation that we have enjoyed in the committee from the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the full committee, and the gentlewoman from

Maryland (Mrs. MORELLA), chairman of the subcommittee. It has been a pleasure to work with both of these distinguished Members in connection with this bill.

I will confess that I have not been particularly deeply involved in the drafting of this legislation but, of course, I fall back on the fact that 10 years ago I was deeply involved and that qualifies me to say anything I wish today.

Mr. Speaker, I rise in support of H.R. 3824 because I feel that it is the only practical short-term solution to the problem of revisiting the Fastener Quality Act. Our committee record on these revisions of the Fastener Quality Act was developed rapidly and is of necessity fairly narrow in scope. This effort was triggered, of course, by the announcement already referred to by the National Institute of Standards and Technology that the long-delayed regulations to implement the Fastener Quality Act would take effect on July 26, 1998, and the universal agreement that the law should be changed to exempt certain aircraft industry fasteners from the Act's coverage. Therefore, time was of the essence if the Congress was to intervene legislatively in advance of that date.

The committee scheduled just one panel of witnesses which was largely drawn from the aerospace community, and with the exception of one witness from the National Institute of Standards and Technology, did not have the expertise to discuss the impact of the Fastener Quality Act beyond aircraft manufacture.

The committee became aware that the auto industry, and perhaps other manufacturers, also faced potential adverse impacts from the scheduled July implementation of the Fastener Quality Act regulations.

Mr. Speaker, the original Fastener Quality Act was based on extensive investigative, legislative and judicial records of defective fasteners, largely of overseas origin, which had turned up in tanks, submarines, aircraft carriers, planes of all types, bridges, and even nuclear power plants.

Of course, as the gentleman from Minnesota (Mr. GUTKNECHT) mentioned, there was considerable public attention given to the quality of fasteners by such events as the Kansas City bridge failure. I have forgotten exactly what it was that caused that failure, but it at least focused attention on the problem of fasteners.

The Committee on Energy and Commerce conducted an 18-month investigation during the 100th Congress, including five open and two closed hearings. It also involved numerous Federal Agencies and resulted in dozens of criminal prosecutions, civil actions and debarments. The situation cried out for legislative action.

We face a much different situation in 1998 than we did in 1990. Eight years have passed since the Act was put in place without implementing regulations. The problems now seem much less daunting. During the 1990s, some industries had developed their own quality assurance systems which appeared to provide protections to the public comparable to those under the Fastener Quality Act, but at less cost. Even NIST, the agency charged with regulating fasteners, seems to have some second thoughts about the breadth of the Act, but no one had done a careful analysis either of the extent to which the Fastener Quality Act is still necessary and still serves its original purpose.

The committee solution is the best possible under the circumstances. The delay will permit the Secretary of Commerce to study the extent to which the problems being addressed still exist, including the potential for defective fasteners from overseas once again penetrating the U.S. markets. It will also permit the Secretary to get an expert opinion on the degree of compatibility between the Fastener Quality Act and modern business practice and to make suggestions on how to update the Act.

Mr. Chairman, I urge my colleagues to vote in favor of this important legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I am privileged to represent the fastener capital of the United States, Rockford, Illinois. There are more fastener manufacturers per capita in Rockford than any other city in the Nation.

The implementation of the Fastener Quality Act is of key importance to the livelihood of northern Illinois, but its impact reaches far beyond our congressional district. In fact, a disruption in the supply of fasteners to our industry would be the equivalent of a nationwide trucking or rail strike.

With the release of the latest set of regulations by the National Institute of Standards and Technology last April, I surveyed the fastener manufacturers in northern Illinois for their input, listening to people such as the Pearson family who have been manufacturing fasteners for years and have been wrestling with the Fastener Quality Act.

Mr. Speaker, let me review for the benefit of my colleagues the results this survey: 54 percent of the fastener manufacturers still do not know which fasteners are covered by the Fastener Quality Act; 46 percent of the fastener manufacturers are so small they cannot afford to adopt the expensive quality assurance system, even though they have their own system of testing and ensuring quality. Thus, the April regulations permitting larger companies which use QAS to become Fastener Quality Act certified means nothing to these small fastener manufacturing firms; 92 percent, almost every one of the fastener manufacturers in Illinois, still do not know what they have to do to fully comply with the Fastener Quality Act regulations.

Finally, every fastener manufacturer in the Sixteenth Congressional District agreed there will not be enough labs up and running on July 26 to certify products coming off the assembly line as Fastener Quality Act approved.

That is why I am pleased to join my colleagues, the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentlewoman from Maryland (Mrs. MORELLA), chairwoman of the Subcommittee on Technology, in cosponsoring and strongly supporting H.R. 3824. I recommend and strongly urge my colleagues to vote for it.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. COOK), a member of the Committee on Science.

Mr. COOK. Mr. Speaker, I rise in support of H.R. 3824, the Fastener Quality Act amendments.

Mr. Speaker, as a freshman Congressman one of my overriding desires is to cut government waste, duplication of effort, and bureaucracy, which is exactly what this bill does.

H.R. 3824 ensures that America's manufacturing economy and American consumers are not harmed by outdated or unnecessary regulations. The bill will help business be more competitive with foreign manufacturers while keeping safety standards for consumers that we have come to expect.

The Fastener Quality Act was intended to make structures more safe and it was a good idea. Unfortunately, it set up two government bureaucracies with the same regulation to oversee manufacturing of nuts, bolts, studs and screws.

For example, aviation manufacturers are already subject to the Federal quality assurance programs of the Federal Aviation Administration and, therefore, the fasteners they manufacture already meet or exceed the quality standards of the Fastener Quality Act. Requiring another government agency other than the FAA to certify aviation industry nuts, bolts, studs, and screws would be a waste of taxpayers' dollars. It would create an enormous duplication of effort and would create significantly higher airline ticket prices.

In the motor vehicle industry, the safety of fasteners is assured and monitored by the National Highway Transportation Safety Administration in compliance with the National Traffic and Motor Vehicle Safety Act. Auto manufacturers already have ample incentive and regulation to use the highest quality fasteners possible.

The auto industry has concluded that the annual cost of duplicative regulations would be $317 million, which would be directly passed on to consumers, yet automobiles would be no safer because current Federal regulations and recall authority ensure a high level of safety.

Manufacturers have made tremendous strides in improving the safety of their products, not because of some

government bureaucracy mandates but because a market-driven economy rewards well-built products.

Mr. Speaker, I urge my colleagues to vote for H.R. 3824, which will reduce unnecessary regulation.

Mr. HOBSON. Mr. Speaker, I was surprised when several of my constituents contacted me about a little-known law passed eight years ago which has not yet been implemented. The original intent of this law, the Fastener Quality Act of 1990, was to regulate and test certain critical nuts, bolts, and similar fasteners. Yet, eight years later, the National Institute for Standards and Technology (NIST), which is the agency responsible for implementing this law, has not done so. In the years that this law languished, the fastener industry and other regulatory federal agencies have taken steps to meet and surpass the original safety goals of the 1990 law. Unfortunately, this late attempt to impose these new requirements unnecessarily duplicates superior quality efforts already underway in the industry and the regulatory community.

Originally, the law was supposed to cover a specific number of critical fasteners used in such things as public buildings, bridges, and airliners. NIST since has expanded the scope of the original law to cover nearly half of all nuts, bolts, and other fasteners made or used in this country.

For example, an employer in my district supplies fasteners to the automotive industry. They are a certified QS 9000 facility, which means they meet strict quality standards and continually test their product at all stages of the manufacturing process. They meet the standards set by their customers and those set by the National Highway Traffic Safety Administration, which already regulates safety standards for these products. Under this 1990 law, they are additionally required to employ another separate, specially accredited lab to test their products, over and above the steps the company is already taking to ensure the safety and quality of their product.

This employer meets the standards provided for by their customer, the industry, and the industry safety regulator, in addition to maintaining a certified QS 9000 facility and providing for continual in-process testing of their products. Application of this 1990 law does not meet the demands of today's manufacturing processes, and would impose additional and costly requirements that duplicate these efforts and do not increase the public safety. Additionally, there are not enough accredited labs to do this testing. In my district, this means this same employer would have to shut down for six months until an accredited laboratory is available to duplicate the strong quality control efforts already being made by this manufacturer.

The legislation we are considering today requires the Secretary of Commerce to first study this issue and report to Congress on the best way to address the public safety intent of the original legislation in light of changes in manufacturing processes since passage of the original act. Mr. Speaker, H.R. 3824 will provide Congress the opportunity to rationally address the public safety aspect to fasteners in the context of today's modern manufacturing processes without imposing duplicative, unnecessary, or confusing new programs on responsible American manufacturers. I urge my colleagues to support this common-sense legislation.

Mr. BLILEY. Mr. Speaker, I rise in strong support of H.R. 3824, a bill amending the Fastener Quality Act. The Committee on Commerce was named as an additional committee of jurisdiction on this bill and has had a longstanding interest in the issue of fastener quality and the Fastener Quality Act. This interest goes back to the 100th Congress, at which time the Committee undertook an investigation of counterfeit and substandard fasteners. This investigation resulted in the issuance of a unanimously approved Subcommittee report entitled ''The Threat from Substandard Fasteners: Is America Losing Its Grip?'' which ultimately led to the approval by our respective committees of the Fastener Quality Act of 1990.

H.R. 3824, as reported, would amend the Fastener Quality act in two ways. First, the bill exempts fasteners approved for use in aircraft by the Federal Aviation Administration from the requirements of the Act. Secondly, it delays implementation of the final regulations until the Secretary of Commerce and the Congress have had an opportunity to consider developments in manufacturing and quality assurance techniques since the law was enacted.

While the Commerce Committee was generally pleased with the legislation reported by the Science Committee, we asked for several technical clarifications in the Manager's amendment under consideration today. First, we asked that language be clarified to ensure that all regulations issued pursuant to the Fastener Quality Act be place don hold until the Secretary of Commerce can deliver his report to Congress. Secondly, we asked that the report be delivered to both the Science Committee and the Commerce Committee directly so that we can continue our cooperative role in protecting American consumers from substandard fasteners. I appreciate Chairman SENSENBRENNER's willingness to listen to the concerns of Members of the Commerce Committee.

Due to Chairman SENSENBRENNER's cooperation and the need to ensure enactment of this legislation prior to the July 26 effective date of the current regulations, the Commerce Committee has chosen not to exercise its right to a referral. I have been assured by Chairman SENSENBRENNER of his continued cooperation through this process, and look forward to working with him should this legislation be the subject of a House-Senate conference committee.

Mr. Speaker, I strongly support H.R. 3824, and urge my colleagues support this bill as well.

Mr. PORTER. Mr. Speaker, I rise today in support of H.R. 3824, a bill to amend the Fastener Quality Act of 1990. I am pleased that a proposed rule to implement this Act has been repeatedly delayed over the last few years. The proposed rule's effectiveness remains unproven and it would impose tremendous costs on industry which would, in turn, be passed on to the consumer. In my judgment, compliance with the proposed rule would not only result in a loss of jobs and productivity, but also would seriously interrupt deliveries to numerous industry sectors for which fasteners are an integral part of their product. These major industries, the aerospace, automotive, and heavy industries, should be strengthened, not weakened, by our laws. I am greatly concerned about the financial costs that would be borne by these industries to implement regulations, the effects of which have not been ascertained.

For this reason, I strongly support passage of H.R. 3824 to ensure that the implementation of the Fastener Quality Act rule be delayed by one year. During this time the Commerce Secretary and the National Institute of Standards & Technology would be required to review current law and regulations and recommend changes to make regulations consistent with current industry practices. I believe that a thorough review of current policies will reveal duplicitious regulations. The reports submitted to Congress as a result of H.R. 3824 would take into account technological advances that have occurred since the passage of the Fastener Quality Act in 1990 and precipitate the necessary changes to ensure its effectiveness as intended by Congress. I urge my colleagues to support the passage of this bill.

Mr. BROWN of California. Mr. Speaker, we have no further speakers, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3824, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1530

TELEMARKETING FRAUD PREVENTION ACT OF 1997

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1847) to improve the criminal law relating to fraud against consumers.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Telemarketing Fraud Prevention Act of 1997''.

SEC. 2. CRIMINAL FORFEITURE OF FRAUD PROCEEDS.

Section 982 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating the second paragraph designated as paragraph (6) as paragraph (7); and

(B) by adding at the end the following:

''(8) The Court, in sentencing a defendant convicted of an offense under section 1028, 1029, 1341, 1342, 1343, or 1344, or of a conspiracy to commit such an offense, if the offense involves telemarketing (as that term is defined in section 2325), shall order that the defendant forfeit to the United States any real or personal property—

''(A) used or intended to be used to commit, to facilitate, or to promote the commission of such offense; and

''(B) constituting, derived from, or traceable to the gross proceeds that the defendant obtained directly or indirectly as a result of the offense.''; and

(2) in subsection (b)(1)(A), by striking ''(a)(1) or (a)(6)'' and inserting ''(a)(1), (a)(6), or (a)(8)''.

SEC. 3. PENALTY FOR TELEMARKETING FRAUD.

Section 2326 of title 18, United States Code, is amended by striking ''may'' each place it appears and inserting ''shall''.

SEC. 4. ADDITION OF CONSPIRACY OFFENSES TO SECTION 2326 ENHANCEMENT.

Section 2326 of title 18, United States Code, is amended by inserting '', or a conspiracy to commit such an offense,'' after ''or 1344''.

SEC. 5. CLARIFICATION OF MANDATORY RESTITUTION.

Section 2327 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''for any offense under this chapter'' and inserting ''to all victims of any offense for which an enhanced penalty is provided under section 2326''; and

(2) by striking subsection (c) and inserting the following:

''(c) VICTIM DEFINED.—In this section, the term 'victim' has the meaning given that term in section 3663A(a)(2).''.

SEC. 6. AMENDMENT OF FEDERAL SENTENCING GUIDELINES.

(a) DEFINITION OF TELEMARKETING.—In this section, the term ''telemarketing'' has the meaning given that term in section 2326 of title 18, United States Code.

(b) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall—

(1) promulgate Federal sentencing guidelines or amend existing sentencing guidelines (and policy statements, if appropriate) to provide for substantially increased penalties for persons convicted of offenses described in section 2326 of title 18, United States Code, as amended by this Act, in connection with the conduct of telemarketing;

(2) submit to Congress an explanation of each action taken under paragraph (1) and any additional policy recommendations for combating the offenses described in that paragraph.

(c) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the guidelines and policy statements promulgated or amended pursuant to subsection (b)(1) and any recommendations submitted thereunder reflect the serious nature of the offenses;

(2) provide an additional appropriate sentencing enhancement if offense involved sophisticated means, including but not limited to sophisticated concealment efforts, such as perpetrating the offense from outside the United States;

(3) provide an additional appropriate sentencing enhancement for cases in which a large number of vulnerable victims, including but not limited to victims described in section 2326(2) of title 18, United States Code, are affected by a fraudulent scheme or schemes;

(4) ensure that guidelines and policy statements promulgated or amended pursuant to subsection (b)(1) are reasonably consistent with other relevant statutory directives to the Commission and with other guidelines;

(5) account for any aggravating or mitigating circumstances that might justify upward or downward departures;

(6) ensure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code; and

(7) take any other action the Commission considers necessary to carry out this section.

(d) EMERGENCY AUTHORITY.—The Commission shall promulgate the guidelines or amendments provided for under this subsection as soon as practicable, and in any event not later than 120 days after the date of enactment of the Telemarketing Fraud Prevention Act of 1997, in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under that authority had not expired, except that the Commission shall submit to Congress the emergency guidelines or amendments promulgated under this section, and shall set an effective date for those guidelines or amendments not earlier than 30 days after their submission to Congress.

SEC. 7. FALSE ADVERTISING OR MISUSE OF NAME TO INDICATE UNITED STATES MARSHALS SERVICE.

Section 709 of title 18, United States Code, is amended by inserting after the thirteenth undesignated paragraph the following:

''Whoever, except with the written permission of the Director of the United States Marshals Service, knowingly uses the words 'United States Marshals Service', 'U.S. Marshals Service', 'United States Marshal', 'U.S. Marshal', 'U.S.M.S.', or any colorable imitation of any such words, or the likeness of a United States Marshals Service badge, logo, or insignia on any item of apparel, in connection with any advertisement, circular, book, pamphlet, software, or other publication, or any play, motion picture, broadcast, telecast, or other production, in a manner that is reasonably calculated to convey the impression that the wearer of the item of apparel is acting pursuant to the legal authority of the United States Marshals Service, or to convey the impression that such advertisement, circular, book, pamphlet, software, or other publication, or such play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by the United States Marshals Service;''.

SEC. 8. DISCLOSURE OF CERTAIN RECORDS FOR INVESTIGATIONS OF TELEMARKETING FRAUD.

Section 2703(c)(1)(B) of title 18, United States Code, is amended—

(1) by striking out ''or'' at the end of clause (ii);

(2) by striking out the period at the end of clause (iii) and inserting in lieu thereof ''; or''; and

(3) by adding at the end the following:

''(iv) submits a formal written request relevant to a law enforcement investigation concerning telemarketing fraud for the name, address, and place of business of a subscriber or customer of such provider, which subscriber or customer is engaged in telemarketing (as such term is in section 2325 of this title).''.

The SPEAKER pro tempore (Mr. EWING). Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Massachusetts (Mr. DELAHUNT) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge my colleagues to support the final passage of H.R. 1847, the Telemarketing Fraud Prevention Act. This important legislation, which I introduced in January of last year, will take the strong action that is needed to step up the fight against a common enemy, the fraudulent telemarketer.

Telemarketing fraud has become a critical problem across the country, but especially in my home State of Virginia where it has made victims of countless unsuspecting folks and their families.

The tragedy of telemarketing fraud is that its perpetrators often target elderly victims who have contributed so much to society. Who are these victims? They are our veterans of World War II and Korea. They are our retired schoolteachers. They are our parents and grandparents.

Many of the victims, long-time residents of areas like the Shenandoah Valley in my district, come from a time when one's word was his or her bond, and they are often deceived by a con artist who will say whatever it takes to separate victims from their money.

It has been estimated by the FBI that nearly 80 percent of all targeted telemarketing fraud victims are elderly. Who are these people who victimize our Nation's elderly? They are white collar thugs who contribute nothing to our society but grief.

They choose to satisfy their greed by bilking others instead of doing an honest day's work. They strip victims not only of their hard-earned money, but also of their dignity. They are swindlers who con our senior citizens out of their life savings by playing on their trust, sympathy, and if that does not work, by playing on their fear.

These criminals have said that they do not fear prosecution because they count on their victims' physical or mental infirmity or the embarrassment that victims feel from being scammed that prevent them from testifying at trial.

If they are brought to trial, they are currently not deterred in engaging from telemarketing fraud because the penalties are so weak. In one example of how large a problem telemarketing fraud has become, more than 400 individuals were arrested in 1996 as a part of Operation Senior Sentinel. Retired law enforcement officers and volunteers recruited by the American Association of Retired Persons went under cover to record sales pitches from fraudulent telemarketers.

Volunteers from the 2-year-long operation discovered various telemarketing schemes. Some people were victimized by phony charities or investment schemes. Others were taken in by so-called premium promotions in which people were guaranteed one of four or five valuable prizes, but were induced to buy an overpriced product in exchange for a cheap prize. One of the most vicious scams preyed on those who have lost their money already, some telemarketers charge a substantial fee to recover money for those who had been victimized previously, and proceeded to renege on the promised assistance.

By the time the operation was over, it took the Department of Justice, the FBI, the Federal Trade Commission, a dozen U.S. Attorneys and States attorneys general, the Postal Service, the IRS, and the Secret Service to arrest over 400 fraudulent telemarketers in five States.

Clearly, telemarketing fraud is on the rise. According to Attorney General Reno, it is not uncommon for seniors to receive as many as five or more high-pressure phone calls a day.

Mr. Speaker, malicious criminal activity like this must be punished with the appropriate level of severity. H.R. 1847 will take a number of steps to raise the element of risk for fraudulent telemarketers by directing the U.S. Sentencing Commission to provide for substantially increased penalties for those convicted of telemarketing fraud offenses.

It also requires the Commission to provide an additional appropriate sentencing enhancement for cases in which a large number of vulnerable victims are affected by a fraudulent scheme or schemes. This provision will help to protect those most vulnerable in our society, including seniors and the disabled, from these malicious crimes.

Let me repeat that language from the bill, Mr. Speaker: substantially increased penalties. This language is different from the House-passed version of the bill, which included specific sentencing increases for four levels for general telemarketing fraud and eight levels for telemarketers who defraud the most vulnerable in our society.

Nevertheless, the language in the Senate-passed version was carefully chosen. A minimum increase of two levels is not substantial. The Sentencing Commission recently issued an amendment that would increase by two offense levels, the smallest increase possible, the penalties for fraud offenses that use mass marketing to carry out fraud. While their amendment was a step in the right direction, the step is much too small.

Telemarketing fraud is a serious problem that is growing even as we speak. The Sentencing Guidelines should reflect this; but even with this recent action, they do not. From the House- and Senate-passed bills, it should have been clear to the Sentencing Commission last year the kind of significant increases Congress wanted. Unfortunately, it appears that our intention was not clear.

Therefore, let me make it clear right now, along with my colleague, the gentleman from Florida, and along with the good Senator from Arizona who sponsored this legislation in the Senate, that in the next year we expect the Sentencing Commission to make the kind of substantial penalty increases that are needed to adequately address the growing crime of telemarketing fraud.

In addition to this provision, the bill would also require the Commission to provide an additional appropriate sentencing enhancement if the offense involved sophisticated means, including, but not limited to, sophisticated and concealment efforts, such as perpetrating the offense from outside the United States.

This provision will target those who set up their telemarketing fraud operations in other countries, particularly Canada, in order to evade prosecution. Of the top 11 fraudulent telemarketing company locations in 1996, four were Canadian provinces.

The bill also addresses the problem of victims who are unable to recoup any of their losses after the criminal is caught and convicted. It includes provisions to requiring criminal asset forfeiture to ensure that the fruits of telemarketing fraud crimes will not be used to commit further crimes. It also includes mandatory victim restitution language to ensure that victims are the first to receive restitution for their losses.

The bill includes conspiracy language to the list of enhanced telemarketing fraud penalties. This provision will enable prosecutors to seek our masterminds behind the boiler rooms, the places where the fraudulent telemarketers conduct their illegal activities.

Finally, the bill includes a Senate-passed provision that will help law enforcement effectively combat the problem of telemarketing fraud operations that set up boiler rooms for a few months and then simply disappear.

The provision would protect telemarketing fraud victims by providing law enforcement with the authority to more quickly obtain the name, address, and physical location of businesses suspected of telemarketing fraud. This would only be allowed if the official submitted a written request for this information relevant to a legitimate law enforcement investigation.

Mr. Speaker, the Telemarketing Fraud Prevention Act will serve as a vital tool in the Federal arsenal of weapons available to law enforcement officials in the fight against this crime. I urge my colleagues to support the passage of this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend my colleague, the gentleman from Virginia (Mr. GOODLATTE), for introducing this measure, and I am pleased to join with him in supporting it.

As the gentleman has noted, this is actually the second time the House has considered this legislation. We passed it by voice vote last July. Since then, the other body has taken up the bill, amended it, and passed it in the form in which it appears before us today. If we approve this amended bill, it will go straight to the President for his signature.

The purpose of this legislation, as articulated again by the gentleman from Virginia (Mr. GOODLATTE), is to crack down on telemarketing fraud, one of the fastest growing white collar crimes in America.

I would ask that we just pause and reflect for one moment on a single statistic that I suggest is most disturbing, and that is $40 billion. The Federal Bureau of Investigation has estimated that the amount of fraud that can be allocated to this single white collar economic crime exceeds $40 billion annually and is growing.

I dare say that if we added all of the crimes committed by violence in this country ranging from shoplifting to armed robbery, in the aggregate, it would pale in comparison in terms of economic loss to that statistic of $40 billion a year.

Even those of us who have not been victims of fraud have plenty of experience with telemarketing. What family in America has not sat down for an evening meal only to have the telephone ring and at the other end is a telemarketer selling us something. I am sure many Members like I receive a constant flow of letters complaining about being plagued by telemarketing.

Furthermore, as a woman from Martha's Vineyard in my district laments, every third call is someone trying to sell something unsolicited. For most of us, this is merely a nuisance. We may not want to hear the sales pitch, but at least we usually know when to hang up. But when the caller is a sophisticated scam artist, things are rarely so clear.

We have all heard from constituents who were tricked into contributing to nonexisting charities or conned into throwing away their hard-earned money on phony real estate scams.

One recent Federal investigation uncovered a telemarketing scheme that bilked some 100,000 Americans out of $35 million. The victims were mostly older Americans who, as my friend and colleague, the gentleman from Virginia (Mr. GOODLATTE), indicated, are the favorite targets of these criminals.

I would suggest, too, we hear much, and much of it is true, about the effort in Congress to federalize what is particularly State crimes. We hear the Chief Justice of the Supreme Court criticizing this body for the federalization of what have traditionally been State crimes. I agree with the Chief Justice. However, in this particular instance, there is a special place and a special role for the Federal Government.

I think that the gentleman from Virginia hit it on the mark when he talked about, in Canada, there is a source of telemarketing fraud that is going on. These crimes particularly are pernicious in the sense that no single jurisdiction can deal with them effectively because these scholars, if you will, in economic crime know that it is beyond the resources that exist currently at the State and local level to deal with this issue, and they can set up their operation in multiple jurisdictions and deal at the national level. This is where the Federal Government ought to allocate its resources. I am pleased that they are doing this.

As the gentleman said, seniors are especially vulnerable to telemarketing fraud because many of them are lonely, homebound, or infirm. For them, that unwanted telephone call can mean the loss of everything they have managed to save over a lifetime.

I am particularly pleased with the penalty enhancements in terms of those victims that are senior citizens. Furthermore, the fact that H.R. 1847

would permit Federal prosecutors to seek forfeiture of the proceeds of telemarketing fraud and of property used by the criminals to carry out the fraud, I think is a particularly important provision.

In these kinds of crime, forfeiture is an important tool that enables prosecutors to shut down a criminal enterprise. I am confident that, in this particular case, it absolutely has a deterrent effect. These people know what they are doing. The profit motive is so significant that they are willing to take the chance, because, historically, white collar crime and economic crime in this country have not received the kind of incarceration and sanctions that it so rightly deserves.

I and others have been working with the gentleman from Illinois (Mr. HYDE) to seek reform of some of the procedures used in Federal forfeiture cases, but I do not think there is any question, as I indicated, that forfeiture should be available in telemarketing fraud.

Again, as my friend, the gentleman from Virginia, pointed out, H.R. 1847 will also increase the penalties for telemarketing fraud by utilizing the Sentencing Commission. In this respect, I submit the Senate has substantially improved the bill. Our original version would have increased the penalties by specific amounts set forth in the legislation.

When the House considered the bill last July, I expressed reservations about that particular provision because I do not believe that Congress should usurp the role we assigned to the U.S. Sentencing Commission in prescribing appropriate sentencing ranges.

The bill before us today directs the Sentencing Commission to amend the Sentencing Guidelines to provide for substantially increased penalties for persons convicted of telemarketing fraud. I believe this is a major improvement in the bill, and I strongly support this change. I anticipate that the Sentencing Commission will listen clearly to the message intended to be sent by this body.

□ 1545

In sum, Mr. Speaker, criminals who prey on the vulnerabilities of others should be held to account. This legislation does just that. I commend the gentleman from Virginia (Mr. GOODLATTE) for his leadership on the issue and urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself 30 seconds, and I do so to thank the gentleman from Massachusetts for his strong support for this legislation. He speaks from authority when he talks about this as a former prosecutor, and I very much respect his remarks and welcome them and welcome his support for this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I just rise briefly to commend both the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Massachusetts (Mr. DELAHUNT) for the great job that they have done in bringing this bill to the floor, apparently without opposition, and that is great work.

We have all heard stories from time to time of telemarketing scams that too often target, as both the gentleman from Virginia and the gentleman from Massachusetts have pointed out, our Nation's older citizens. However, yesterday, I met with a group of seniors in my district from Toms River, New Jersey, and one of my constituents brought this very issue to my attention and shared his own fears of being swindled.

Seniors are apprehensive of these predators, and with good reason. It is a horrible day when greed motivates someone to strip the hard-earned earnings and livelihood an older adult has accumulated over a lifetime. These corrupt schemes will come to an end, or at least will begin to come to an end under this bill.

I fully support the provisions of the Telemarketing Fraud Prevention Act of 1997, which protects seniors and punishes ruthless criminals.

Under this bill, the U.S. Sentencing Commission must increase its punishment level guidelines by eight levels for persons convicted of telemarketing crimes against anyone 55 years of age.

There is no excuse for behavior that victimizes those who rely on their savings to survive. These con artists must be punished for such horrendous crimes. I sincerely hope that one day soon our Nation's seniors will no longer be preyed upon by these criminals.

Mr. DELAHUNT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1847, the bill under discussion.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. VENTO. Mr. Speaker, I rise in support of the Telemarketing Fraud Prevention Act. This legislation represents a positive step in combating the growing problem of consumer and telemarketing fraud. Unfortunately, illegal telemarketing often targets the elderly and the disabled, many of whom lose their life's savings to such scams.

Today telemarketing fraud is in focus. While conditions for older Americans have improved markedly since passage of the Older Americans Act of 1965, many still suffer in abusive situations ranging from financial exploitation to severe consumer and telemarketing fraud. Many seniors are faced with physical or mental disabilities, social isolation and limited financial resources which prevent them from being able to protect or advocate for themselves.

According to the Federal Trade Commission (FTC), telemarketing fraud has mushroomed into a multi-billion dollar problem in the United States. Every year, thousands of consumers lose anywhere from a few dollars to their life savings to telephone con artists. The Telemarketing Fraud Prevention Act will protect consumers from losing their hard earned income to telemarketing scams.

Specifically, HR 1847 increases the penalties against fraudulent telemarketing by increasing the recommended prison sentences for people convicted of consumer scams and deception. This legislation further increases the penalties incurred for telemarketing and consumer cams specifically targeted at older Americans.

In addition to increasing the consequences of fraudulent telemarketing, the Telemarketing Fraud Prevention Act provides the necessary tools and resources to prevent and uncover illegal schemes that are targeted at older Americans. Telephone companies would be required to provide the name, address and physical location of businesses suspected of conducting telemarketing scams. Since scam artists are relentless in their pursuit of older Americans, this measure would allow Law Enforcement Officials to move more quickly in preventing such schemes and scams from occurring.

Along with the FTC, several sources confirm that telemarketing fraud against older Americans is growing substantially. A 1996 American Association of Retired Persons (AARP) survey of people 50 years or older revealed that 57% were likely to receive calls from telemarketers at least once a week. Moreover, more than half the respondents indicated that they could not distinguish a legitimate telemarketer from a fraudulent one. It is not surprising that a fraud perpetrator would solicit an older American to attain a significant amount of money—often with a single phone call. Many senior citizens have worked diligently throughout their lives to build savings and retirement income.

Congress is moving in the right direction by addressing the growing problems of consumer and telemarketing fraud. We need to provide adequate tools for our Law Enforcement Officers to combat and respond to telemarketing fraud, to punish those who perpetrate it, and to deter others from entering the arena. The Telemarketing Fraud Prevention Act is an important step in protecting our senior citizens from deception tactics and fraudulent activities.

Mr. MCCOLLUM. Mr. Speaker, in the 104th Congress, the House of Representatives passed by voice vote an identical version of H.R. 1847, the ''Telemarketing Fraud Prevention Act.'' The Senate failed to act on that legislation before final adjournment, and Mr. GOODLATTE, a dedicated Member of the Judiciary Committee, picked up the flag and decided to advance this important issue in the 105th Congress.

Once again, due to amendments made by the Senate, the House must pass H.R. 1847, a bill which will finally give some measure of protection to this Nation's elderly who are bilked by crooked telemarketers. As the Subcommittee on Crime heard last Congress, some retirees have lost their entire savings to mail and phone scams. The Federal Trade

Commission estimates that telemarketing fraud costs consumers about $40 billion a year.

Mr. Speaker, in the hands of a fraudulent telemarketer, a phone is a dangerous weapon. They will use every trick possible to get their victims to send money. Examples of such deceptions include offering phony investment schemes, claiming to work for charitable organizations, or promising grand trips and prizes. These telephone thieves are relentless in their pursuit of someone else's hard-earned paycheck.

Although I am somewhat disappointed that the Senate chose to strike the specific level enhancements which the House passed, I am satisfied that this legislation will aid prosecutors in their efforts to track and prosecute crooked telemarketers.

Moreover, I hope that the passage of this legislation sends a loud, clear message to the U.S. Sentencing Commission: review the guidelines carefully because the current average sentence for a telemarketer is too low! These tele-predators must do time for their crimes. Telemarketing fraud may be nonviolent, but it devastates families, destroys self-esteem and costs billions overall. If the Sentencing Commission does not make some sweeping changes to the fraud provisions as a result of this legislation, Congress will revisit this issue next year.

Again, I thank my good friend from Virginia, Mr. GOODLATTE, for not allowing this issue to go unnoticed. Telemarketing fraud conceivably affects every person who owns a telephone. I was proud to support this legislation in the 104th Congress, and I was proud to support H.R. 1847 earlier this Congress, and I am extremely proud that finally we have a bi-partisan piece of legislation ready for the President's signature.

Mr. ABERCROMBIE. Mr. Speaker, today I rise in strong support of H.R. 1847, the Telemarketing Fraud Prevention Act.

H.R. 1847 increases criminal penalties for telemarketing fraud, especially telemarketing fraud targeting senior citizens. Older Americans are the targets of many fraudulent telemarketers because they are generally home more often, may be more trusting, and they may be led to look on a smooth-talking telemarketer as a friend rather than someone preying on their life savings.

The measure is a positive step forward to protecting consumers and our seniors, but we need to do more. Besides increasing penalties on fraudulent telemarketers, we need to help educate consumers of the dangers of fraudulent telemarketing. I sponsored several mail and telemarketing fraud briefings for senior citizens in my district, Honolulu, Hawaii. These educational briefings were designed to give vulnerable senior citizens a fighting chance against an industry designed to victimize them. I encourage my colleagues to work with organizations such as the AARP and educate senior citizens in their districts.

H.R. 1847 also allows law enforcement officials to prosecute individuals for conspiracy to commit telemarketing fraud. This provision allows police and prosecutors to seek out and punish organizers of telemarketing scams, who often arrange the schemes but don't actually commit the fraud themselves.

Telemarketing fraud robs Americans of an estimated $40 billion per year. The actual amount may be higher, because some consumers are too embarrassed to report that they have been defrauded or consumers fail to recognize that they have been victimized.

I urge my colleagues to support H.R. 1847 and continue to work to eliminate telemarketing and mail fraud.

Mr. GOODLATTE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time and urge a favorable vote.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and concur in the Senate amendment to H.R. 1847.

The question was taken.

Mr. GOODLATTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ADVISORY COUNCIL ON CALIFORNIA INDIAN POLICY EXTENSION ACT OF 1997

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3069) to extend the Advisory Council on California Indian Policy to allow the Advisory Council to advise Congress on the implementation of the proposals and recommendations of the Advisory Council.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Advisory Council on California Indian Policy Extension Act of 1997''.

SEC. 2. FINDING AND PURPOSE.

(a) FINDING.—Congress finds that the Advisory Council on California Indian Policy, pursuant to the Advisory Council on California Indian Policy Act of 1992 (Public Law 102–416; 25 U.S.C. 651 note), submitted its proposals and recommendations regarding remedial measures to address the special status of California's terminated and unacknowledged Indian tribes and the needs of California Indians relating to economic self-sufficiency, health, and education.

(b) PURPOSE.—The purpose of this Act is to allow the Advisory Council on California Indian Policy to advise Congress on the implementation of such proposals and recommendations.

SEC. 3. DUTIES OF ADVISORY COUNCIL REGARDING IMPLEMENTATION OF PROPOSALS AND RECOMMENDATIONS.

(a) IN GENERAL.—Section 5 of the Advisory Council on California Indian Policy Act of 1992 (106 Stat. 2133) is amended by striking ''and'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; and'', and by adding at the end the following new paragraph:

''(8) work with Congress, the Secretary, the Secretary of Health and Human Services, and the California Indian tribes, to implement the Council's proposals and recommendations contained in the report submitted made under paragraph (6), including—

''(A) consulting with Federal departments and agencies to identify those recommendations that can be implemented immediately, or in the very near future, and those which will require long-term changes in law, regulations, or policy;

''(B) working with Federal departments and agencies to expedite to the greatest extent possible the implementation of the Council's recommendations;

''(C) presenting draft legislation to Congress for implementation of the recommendations requiring legislative changes;

''(D) initiating discussions with the State of California and its agencies to identify specific areas where State actions or tribal-State cooperation can complement actions by the Federal Government to implement specific recommendations;

''(E) providing timely information to and consulting with California Indian tribes on discussions between the Council and Federal and State agencies regarding implementation of the recommendations; and

''(F) providing annual progress reports to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the status of the implementation of the recommendations.''

(b) TERMINATION.—The first sentence of section 8 of the Advisory Council on California Indian Policy Act of 1992 (106 Stat. 2136) is amended to read as follows: ''The Council shall cease to exist on March 31, 2000.''

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, this is a relatively simple bill. It is the proposed Advisory Council on California Indian Policy Extension Act of 1997, to extend the life of the Advisory Council on California Indian Policy, ACCIP, until March 31 of the year 2000.

The ACCIP has issued 8 reports on various topics as well as an overview of California Indian history.

Some of these recommendations by the ACCIP are controversial and will not be implemented by the Congress. Other recommendations are too expensive.

However, some of the recommendations included in the 8 reports issued make good sense and should be given full consideration by the Administration and the Congress.

H.R. 3069 would add additional new duties to those provided for by Congress when the ACCIP was created in 1992. These new duties include: Working with Congress to implement its proposals; consulting with Federal departments to implement its recommendations; and presenting draft legislation to Congress.

H.R. 3069 is very important to the many Indian tribes of California. While I do not agree with each and every recommendation made by ACCIP, I think we should move forward in

the process. I urge my colleagues to support H.R. 3069.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I am proud to support, H.R. 3069, the Advisory Council on California Indian Policy Extension Act of 1977. This bill, introduced by GEORGE MILLER, the Senior Democrat on the Resources Committee, extends the life of the Advisory Council for an additional two years. The Advisory Council was created by legislation sponsored by Congressman MILLER in the 102nd Congress.

The Council was created to specifically provide Congress with a report setting forth recommendations for remedial measures to address the special problems facing California Indians and Indian tribes. California Indians have long suffered the effects of broken treaties and the ill-conceived policy of termination and are struggling to find ways to improve education, health care, economic development, and housing needs.

Many of these problems are not solvable overnight. They will require cooperation and understanding from the federal government, the state, and between the tribes themselves. To this end, Congress created the Advisory Council in 1992 to help Congress sort through the complex web of problems unique to California Indians. The Council fulfilled its task in 1997 and provided us with its report and recommendations. These recommendations deal with land consolidation, restoration of tribes, provision of health, education, and social services, and responsibility to urban Indians.

Because the Council has acquired considerable expertise on these issues in the past four years, the bill extends its existence an additional two years so that the Council will be able to guide Congress in the implementation of the report's recommendations.

This makes good sense. We should avail ourselves of the Council's great knowledge that it has accumulated over the past six years. Their expertise should prove of invaluable assistance in helping us draft legislation to carry forward the recommendations contained in their report. They have lived up to their end of the bargain. Now it's time for us to live up to ours.

Mr. Speaker, I would be remiss if I did not give special recognition to our Democratic committee staff for their hard work and professionalism in the development of this legislation as it was authored by our senior ranking Democrat, the gentleman from California Mr. MILLER. I want to thank our minority staff counsel Mr. Chris Stearns for the excellent work he has done on this bill, and also Ms. Jessica Rae Alcorn. Both native Americans. Mr. Stearns is a member of the Navajo Nation and a graduate of Cornell University Law School; Ms. Alcorn is a member of the Assiniboime Sioux Nation, a graduate of Brigham Young University Campus in Hawaii and plans to attend law school this fall.

Mr. Speaker, as I have always said to my colleagues in the years past and even now—the salvation of Native American tribes throughout American lies in education. Mr. Stearns and Ms. Alcorn are the finest examples of the young and upcoming generation of the Native Americans who I am confident will contribute significantly to the needs of Native Americans throughout America, and to the needs of our nation.

Again I thank the gentleman from California for his leadership and foresight for activation of this Advisory Council that is sorely needed to address the needs of some 100 native American tribes that reside in California.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, I am pleased to have brought this bill to the floor today. My bill extends by 2 years the life of the California Advisory Council on Indian Policy, which was created by legislation back in the 102nd Congress. The bill was unanimously reported out of the full Committee on Resources.

The Council was created to provide us with a report recommending remedial measures to address the special problems facing California Indians and Indian tribes. The problems include the need to restore California's terminated tribes' lost lands, and to provide tools for economic self-sufficiency, and improve health and educational needs.

Mr. Speaker, I will submit the remainder of my statement for the RECORD, but I want to thank the chairman of the committee for giving the attention of this committee to this legislation; and I also want to thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his attention to this matter.

The Council has now submitted its report. Along the way it picked up an inordinate amount of expertise on these issues and my bill would give the Council the chance to share its invaluable knowledge with Congress and other parties as we move forward to the implementation phase.

Thus, my bill directs the Council to consult and work with Congress, the Secretaries of the Interior and Health and Human Services, the California Indian tribes, and the State in expediting the implementation of the recommendations contained in the Council's 1997 report.

This is an important measure. There are over one-hundred tribes in California. Over the course of history, those tribes lost over eighteen million acres as a result of eighteen broken treaties. California Indians own less land, have less money and funding, and less access to health care and education than tribes in other states. California also has the highest urban Indian population of any state. Yet the federal Bureau of Indian Affairs provides services to only one-sixth of the Indian population. California is also one of a handful of states that was allowed to extend state jurisdiction on Indian lands. In the 1950s, thirty-eight tribes were terminated. Fortunately, twenty-seven have been restored.

Six years ago, I spoke on the floor about the original legislation that created the Council and authorized the report. I said that ''this report will provide a blueprint for the future of California Indians. We will use the recommendations of the council as we approach California Indian policy in the 1990s and on into the next century.'' That time has come.

And that is why I believe it is important to continue to rely on the guidance and wisdom of the Council as we review its recommendations and fashion legislation that will allow us to keep many of the promises we have made to the state's first citizens. I look forward to a new era of relations with the California tribes and urge my colleagues to support this bill.

Mr. ENSIGN. Mr. Speaker, my colleague, Mr. GIBBONS, and I rise in opposition to H.R. 3069, the Advisory Council on California Indian Policy Extension Act. This legislation would extend the Advisory Council until 2000 and encourage the Council to work with Congress and federal agencies to implement the proposals of its 1997 report. Although we understand the need for Native Americans of California to improve Indian health services, education and housing programs, we strongly disagree with some of the provisions included in the Advisory Council's initial report.

The Council suggests amendments to the Indian Gaming Regulatory Act and action by the Secretary of the Interior to facilitate Indian gaming operations and circumvent local and federal regulations in California. The track record of Indian gaming operations in California has been far from pristine. To encourage even less regulation and a decreased role of local governments would not be prudent.

We believe that providing additional federal funding to this Council, whose legislative recommendations include a lessening of oversight and local involvement, is bad fiscal policy and poor domestic policy.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 3069.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ROGUE RIVER NATIONAL FOREST

Mr. SMITH of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3796) to authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management.

The Clerk read as follows:

H.R. 3796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION.

In this Act, the term ''Secretary'' means the Secretary of Agriculture.

SEC. 2. SALE OR EXCHANGE OF ADMINISTRATIVE SITE.

(a) IN GENERAL.—The Secretary, under such terms and conditions as the Secretary

may prescribe, may sell or exchange any or all right, title, and interest of the United States in and to the Rogue River National Forest administrative site depicted on the map entitled ''Rogue River Administrative Conveyance'' dated April 23, 1998, consisting of approximately 5.1 acres.

(b) EXCHANGE ACQUISITIONS.—The Secretary may provide for the construction of administrative facilities in exchange for a conveyance of the administrative site under subsection (a).

(c) APPLICABLE AUTHORITIES.—Except as otherwise provided in this Act, any sale or exchange of an administrative site shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for National Forest System purposes.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of an administrative site in an exchange under subsection (a).

(e) SOLICITATIONS OF OFFERS.—In carrying out this Act, the Secretary may—

(1) use solicitations of offers for sale or exchange on such terms and conditions as the Secretary may prescribe; and

(2) reject any offer if the Secretary determines that the offer is not adequate or not in the public interest.

SEC. 3. DISPOSITION OF FUNDS.

The proceeds of a sale or exchange under section 2 shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the ''Sisk Act'') and shall be available, until expended, for the construction or improvement of offices and support buildings for combined use by the Forest Service for the Rogue River National Forest, and by the Bureau of Land Management.

SEC. 4. REVOCATIONS.

(a) PUBLIC LAND ORDERS.—Notwithstanding any other provision of law, to facilitate the sale or exchange of the administrative site, public land orders withdrawing the administrative site from all forms of appropriation under the public land laws are revoked for any portion of the administrative site, upon conveyance of that portion by the Secretary.

(b) EFFECTIVE DATE.—The effective date of a revocation made by this section shall be the date of the patent or deed conveying the administrative site (or portion thereof).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. SMITH) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. SMITH).

Mr. SMITH of Oregon. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SMITH of Oregon asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Oregon. Mr. Speaker, this is a very simple, straightforward piece of legislation. It exchanges 5.1 acres of the Rogue River National Forest maintenance facility in Medford for an opportunity to collocate offices of Forest Service and the Bureau of Land Management.

It is obvious that this collocation is in good order since both the Forest Service and the Bureau of Land Management support this legislation. In effect, it will save $2.1 million per year as a result of the collocation.

Mr. Speaker, it came forward to us unanimously from committee.

I would like to thank my colleagues on the House Resources Committee for bringing this legislation to the floor today.

H.R. 3796 provides an excellent example of how two federal agencies can work together to better serve the needs of the public. This legislation will allow the Secretary of Agriculture to sell or exchange the 5.1 acre Rogue River National Forest maintenance facility in Medford, Oregon and use the proceeds to expand the BLM office so that the Forest Service and the BLM can collocate.

For those of you who have not visited the Second District of Oregon, it may surprise you to know that well over half of the land in this large district is owned by the federal government. Public lands issues are extremely important to the people of my district. The people of the Second Congressional District work, live and recreate on this federal land and will greatly benefit from the ability to address their public lands needs in one central location. Currently, the local Forest Service and the BLM offices in Medford are located across town from one another. H.R. 3796 will allow these two agencies to collocate and provide more efficient service to the general public.

The site this legislation seeks to convey is the McAndrews Service Center. This facility is currently being used as an automotive shop, survey crew headquarters, road maintenance office and forest-wide support warehouse. This facility will become surplus to the Forest Service's needs should the two agencies collocate.

Conveyance of this site will allow for improvements to the joint Forest Service/BLM site that will include the addition of 20,000 square feet of office and conference space, remodeling of the current BLM office so that it fully complies with the Americans with Disabilities Act, and allow for a 5,300 square foot addition to the existing warehouse.

H.R. 3796 has the support of the Forest Service and the BLM and was drafted in response to the requests of local agency representatives looking to improve service to the public. The General Services Administration has also been a participant in discussions relating to collocation efforts and supports this proposal. The Congressional Budget Office estimates that the enactment of H.R. 3796 will result in outlay savings of $2 million in FY 1999, and will have no net effect on federal spending over the FY 1999–2003 period.

So in closing, I would again like to thank my colleagues on the House Resources Committee for bringing this legislation to the floor today, and encourage my friends here in the House to support this cost-effective and sensible example of government agencies working together.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of the legislation sponsored by the gentleman from Oregon (Mr. SMITH), my good friend.

The bill would authorize the U.S. Forest Service to sell its headquarters in Medford, Oregon, and dedicate the proceeds to expansion of offices currently occupied by the Bureau of Land Management. The expanded offices will provide a new home for the Forest Service.

Mr. Speaker, given the land management challenges facing both of these agencies, it makes sense to encourage coordination by having them located in joint offices. The Forest Service has requested the authority set in this bill and supports its enactment.

Mr. Speaker, I thank the good gentleman from Oregon for his sponsorship of this bill and for bringing this matter to the attention of the House. My good friend also serves as the chairman of the Committee on Agriculture and as a senior member of this committee as well.

I also want to thank the ranking member of our subcommittee, the gentleman from New York (Mr. HINCHEY), for his assistance in development of this bill; and our professional staff counsel, Mr. Jeff Petrich, for his professional contributions in the development of this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Oregon. Mr. Speaker, I yield myself such time as I may consume to thank my friend very much for his positive statement and his assistance on this important piece of legislation.

Mrs. CHENOWETH. Mr. Speaker, first, I would like to recognize Representative BOB SMITH for the excellent work he put forth in the development of this bill. H.R. 3796 is a straight-forward bill that provides for the conveyance of a work center on the Rogue River National Forest in exchange for facility improvements at the Medford Bureau of Land Management (BLM) office in order to facilitate collocation of the two offices.

The McAndrews Service Center is currently owned and operated by the Rogue River National Forest. The fair market compensation received through the sale or exchange of this center would be authorized to be used for the construction or improvement of offices that the Rogue River National Forest will share with the Medford District Office of the BLM. This would be done in a manner consistent with all applicable laws.

The Forest Service and the BLM in Medford have been working cooperatively for many years. This cooperative relationship has resulted in improved customer service and consolidation of office space will provide further efficiencies and improvements in public service.

This excellent bill is a bipartisan effort and has the support of the Administration. I urge my colleagues to support H.R. 3796.

Mr. SMITH of Oregon. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3796.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on the two bills just passed, H.R. 3069 and H.R. 3796.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

NATIONAL DROUGHT POLICY ACT OF 1998

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3035) to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies, as amended.

The Clerk read as follows:

H.R. 3035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Drought Policy Act of 1998''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States often suffers serious economic and environmental losses from severe regional droughts and there is no coordinated Federal strategy to respond to such emergencies;

(2) at the Federal level, even though historically there have been frequent, significant droughts of national consequences, drought is addressed mainly through special legislation and ad hoc action rather than through a systematic and permanent process as occurs with other natural disasters;

(3) there is an increasing need, particularly at the Federal level, to emphasize preparedness, mitigation, and risk management (rather than simply crisis management) when addressing drought and other natural disasters or emergencies;

(4) several Federal agencies have a role in drought from predicting, forecasting, and monitoring of drought conditions to the provision of planning, technical, and financial assistance;

(5) there is no single Federal agency in a lead or coordinating role with regard to drought;

(6) State, local, and tribal governments have had to deal individually and separately with each Federal agency involved in drought assistance; and

(7) the President should appoint an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for, mitigate the impacts of, respond to, and recover from serious drought emergencies.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Drought Policy Commission (hereinafter in this Act referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 16 members. The members of the Commission shall include—

(A) the Secretary of Agriculture, or the designee of the Secretary, who shall chair the Commission;

(B) the Secretary of the Interior, or the designee of the Secretary;

(C) the Secretary of the Army, or the designee of the Secretary;

(D) the Secretary of Commerce, or the designee of the Secretary;

(E) the Director of the Federal Emergency Management Agency, or the designee of the Director;

(F) the Administrator of the Small Business Administration, or the designee of the Administrator;

(G) two persons nominated by the National Governors' Association and appointed by the President, of whom—

(i) one shall be the governor of a State east of the Mississippi River; and

(ii) one shall be a governor of a State west of the Mississippi River;

(H) a person nominated by the National Association of Counties and appointed by the President;

(I) a person nominated by the United States Conference of Mayors and appointed by the President; and

(J) six persons, appointed by the Secretary of Agriculture in coordination with the Secretary of the Interior and the Secretary of the Army, who shall be representative of groups acutely affected by drought emergencies, such as the agricultural production community, the credit community, rural and urban water associations, Native Americans, and fishing and environmental interests.

(2) DATE.—The appointments of the members of the Commission shall be made no later than 60 days after the date of the enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the chair.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) VICE CHAIR.—The Commission shall select a vice chair from among the members who are not Federal officers or employees.

SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY AND REPORT.—The Commission shall conduct a thorough study and submit a report on national drought policy in accordance with this section.

(b) CONTENT OF STUDY AND REPORT.—In conducting the study and report, the Commission shall—

(1) determine, in consultation with the National Drought Mitigation Center in Lincoln, Nebraska, and other appropriate entities, what needs exist on the Federal, State, local, and tribal levels to prepare for and respond to drought emergencies;

(2) review all existing Federal laws and programs relating to drought;

(3) review State, local, and tribal laws and programs relating to drought that the Commission finds pertinent;

(4) determine what differences exist between the needs of those affected by drought and the Federal laws and programs designed to mitigate the impacts of and respond to drought;

(5) collaborate with the Western Drought Coordination Council and other appropriate entities in order to consider regional drought initiatives and the application of such initiatives at the national level;

(6) make recommendations on how Federal drought laws and programs can be better integrated with ongoing State, local, and tribal programs into a comprehensive national policy to mitigate the impacts of and respond to drought emergencies without diminishing the rights of States to control water through State law and considering the need for protection of the environment;

(7) make recommendations on improving public awareness of the need for drought mitigation, prevention, and response and on developing a coordinated approach to drought mitigation, prevention, and response by governmental and nongovernmental entities, including academic, private, and nonprofit interests; and

(8) include a recommendation on whether all Federal drought preparation and response programs should be consolidated under one existing Federal agency and, if so, identify such agency.

(c) SUBMISSION OF REPORT.—

(1) IN GENERAL.—No later than 18 months after the date of the enactment of this Act, the Commission shall submit a report to the President and Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(2) APPROVAL OF REPORT.—Before submission of the report, the contents of the report shall be approved by unanimous consent or majority vote. If the report is approved by majority vote, members voting not to approve the contents shall be given the opportunity to submit dissenting views with the report.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out the purposes of this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall not be compensated for service on the Commission, except as provided under subsection (b). All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) ADMINISTRATIVE SUPPORT.—The Secretary of Agriculture shall provide all financial, administrative, and staff support services for the Commission.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 4.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

New York (Mr. BOEHLERT) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

This important, noncontroversial legislation establishes a 16-member commission to report to Congress and the President on the development of an integrated and coordinated approach to drought. H.R. 3035 is broadly supported by, among others, the National Governors' Association, the Western Governors' Association, and the National Emergency Management Association.

For too long, the Nation has lacked a proactive, coordinated approach to drought, instead relying on crisis management. The result has been enormous damage and suffering equal to or greater than other forms of natural disasters. For example, the total economic losses to agriculture, energy, transportation and recreation tourism associated with the 1988 drought have been estimated at $40 billion.

In response, the gentleman from New Mexico (Mr. JOSEPH SKEEN) introduced H.R. 3035, which is companion legislation to S. 222, introduced by Senator PETE DOMENICI. The bill before us will help foster an integrated approach emphasizing prevention and mitigation.

Let me thank the gentleman from Pennsylvania (Mr. BUD SHUSTER), the gentleman from Minnesota (Mr. JIM OBERSTAR), and the gentleman from Pennsylvania (Mr. BOB BORSKI) for their efforts in moving H.R. 3035 through the Committee on Transportation and Infrastructure and the Subcommittee on Water Resources and the Environment.

I also appreciate the cooperation of the Committee on Resources and the Committee on Agriculture, particularly their respective chairmen, the gentleman from Alaska (Mr. DON YOUNG) and the gentleman from Oregon (Mr. BOB SMITH). Thanks to their efforts, and the assistance of their staffs, we are able to bring this important legislation to the floor today.

Most importantly, Mr. Speaker, I want to commend the gentleman from New Mexico (Mr. JOSEPH SKEEN) and Senator PETE DOMENICI for championing H.R. 3035 and S. 222 through the Congress. After our hearing, the Subcommittee on Water Resources and the Environment, of the Committee on Transportation and Infrastructure, made very few changes to H.R. 3035. These revisions, now incorporated into the bill, respond to suggestions by the administration, FEMA, the Corps of Engineers, and various Members. Areas of primary emphasis are disaster mitigation, environmental values and national or regional representation.

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A more detailed discussion of the bill is contained in the committee's report, House Report 105–554.

Mr. Speaker, I urge my colleagues to support H.R. 3035. This legislation can and should be enacted into law in the coming weeks.

Mr. Speaker, I reserve the balance of my time.

Mr. BORSKI. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BORSKI asked and was given permission to revise and extend his remarks.)

Mr. BORSKI. Mr. Speaker, let me join with the gentleman from New York (Mr. GOODLING), my distinguished subcommittee chairman in support of H.R. 3035, the National Drought Policy Act of 1998.

Drought is one of the most subtle natural disasters the Nation faces. When a flood, earthquake, tornado, or hurricane strikes, the timing and magnitude of the event are readily apparent. Yet, when drought strikes, a region may be months or even years into it before it is apparent that the drought conditions exist. By then it may be too late to undertake the kind of careful advance planning and response that are necessary to minimize adverse impacts to communities, business, agriculture, and the environment.

While the origin of this bill is drought issues in the western states, drought is no stranger to any portion of the country. Severe drought can arise in any region, and the harm that results to the citizens and the economy and environment is just as devastating. Therefore, the commission to be established under this bill should have a national focus, recognizing regional variations. There are no one-size-fits-all solutions to drought, but the basic need for preparedness, mitigation and response affects all areas of the country.

Mr. Speaker, I believe that the changes to H.R. 3035 adopted by the Committee improved the bill by emphasizing the natural effects of drought and the need for preparedness, mitigation and risk management relative to drought. I also strongly support that the commission accommodate the interests of urban water users. In times of scarce resources, urban and rural interests must work together for the common good.

I am also pleased that the commission will specifically consider the need for protection of the environment. Too often, the last area afforded protection in times of drought is the aquatic ecosystem, and too often the interests least well represent or capable of protecting their interest at time of drought are aquatic species.

By placing representatives of fishing and environmental interests on the commission, instream interests will be represented in the deliberations and afforded an opportunity to shape the recommendations.

Mr. Speaker, some have suggested and recommended adding the Environmental Protection Agency to the commission, and this bill does not do that. However, I hope that the commission remains open to input from EPA, the Fish and Wildlife Service, and other interests which seek to protect the environment. For the commission's recommendations to be effective in shaping Federal drought policy, the recommendations must be balanced with all perspectives adequately considered and reflected.

Again, Mr. Speaker, let me once again voice my support for the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I rise in strong support of H.R. 3035, the National Drought Policy Act. I thank the gentleman from New York for yielding me the time. I thank the bill's managers on the other side of the aisle and the gentleman from New Mexico (Mr. SKEEN) and others who brought us this legislation.

This important legislation, as mentioned, establishes an advisory commission to provide advice and recommendations on the creation of integrated and coordinated Federal policy designed to prepare for and respond to serious drought emergencies. Drought is one of the most complex and devastating natural disasters. Yet, it is also one of the least understood.

Droughts cost the United States an average of $6 to $8 billion per year and cause serious environmental and social problems. Too often, the response to droughts is fragmented and it often comes too late. Once a drought hits, the options become much more limited. There is a clear need to plan ahead.

The National Drought Policy Act seeks to address the current shortcomings by encouraging a proactive rather than a reactive approach to drought. The commission created by the bill would work to develop a comprehensive and coordinated Federal policy so that the Nation is prepared for upcoming droughts. The commission would also make recommendations on the best way to integrate Federal drought laws and programs with those of the state, local, and tribal level; and I think that is probably the most important responsibility.

I would like to take this opportunity to acknowledge the outstanding work by the National Drought Mitigation Center at the University of Nebraska Lincoln. The Center, founded in 1995, stresses drought prevention and risk management. The National Drought Policy Act would greatly assist the Center in its efforts to develop a comprehensive program designed to reduce vulnerability to drought by promoting the development and implementation of appropriate mitigation policies. The Center is focused on the Great Plains, but its work has advantages for many parts of the country.

As I looked at some of the things the university is doing, I realize they have gone a long way now to help develop plants that are drought resistant or at least that do not suffer so greatly from the stress of drought.

Mr. Speaker, development of a National Drought Policy Act is long overdue. I am pleased that H.R. 3035 addresses this problem and urge my colleagues to support the legislation.

Mr. BOEHLERT. Mr. Speaker, let the RECORD note that the author of the bill the gentleman from New Mexico (Mr. SKEEN) is chairing a subcommittee meeting with the Committee on Appropriations and is not able to be here with us today.

Mr. MILLER of California. Mr. Speaker, I rise in support of H.R. 3035 which would establish an advisory commission to provide advice and recommendations to help create a coordinated federal drought mitigation and response policy. Currently, droughts tend to receive minimal advance attention and are primarily addressed ad hoc in a crisis management mode.

The commission established by the bill would recommend ways to coordinate the numerous federal agencies that have a role in droughts. It would also help ensure that federal efforts would compliment state and local programs without diminishing state water rights or environmental protection.

H.R. 3035 builds upon the recent work of the Western Water Policy Review Advisory Commission and the Western Governors' Association. Both organizations have recommended the creation of an interagency task force to develop an integrated national drought policy plan that emphasizes risk-management.

I appreciate the efforts of my colleagues on the Transportation and Infrastructure Committee, and I urge my colleagues to support this legislation.

Mr. BOEHLERT. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. BORSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and pass the bill, H.R. 3035, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to provide extraneous material on H.R. 3035.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

URGING CONGRESS AND PRESIDENT TO FULLY FUND GOVERNMENT'S OBLIGATION UNDER INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 399) urging the Congress and the President to work to fully fund the Federal Government's obligation under the Individuals with Disabilities Education Act, as amended.

The Clerk read as follows:

H. RES. 399

Whereas Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania, 334 F. Supp. 1247 (E. Dist. Pa. 1971), and Mills v. Board of Education of the District of Columbia, 348 F. Supp. 866 (Dist. D. C. 1972), found that children with disabilities are guaranteed an equal opportunity to an education under the 14th amendment to the Constitution;

Whereas the Congress responded to these court decisions by passing the Education for All Handicapped Children Act of 1975 (enacted as Public Law 94–142), now known as the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), to ensure a free, appropriate public education for children with disabilities;

Whereas the Individuals with Disabilities Education Act provides that the Federal, State, and local governments are to share in the expense of educating children with disabilities and authorizes the Federal Government to pay up to 40 percent of the national average per pupil expenditure for children with disabilities;

Whereas the Federal Government has provided only 7, 9, and 11 percent of the maximum State grant allocation for educating children with disabilities under the Individuals with Disabilities Education Act in the last 3 years, respectively;

Whereas the national average cost of educating a special education student ($12,002) is more than twice the national average per pupil cost ($5,955);

Whereas research indicates that children who are effectively taught, including effective instruction aimed at acquiring literacy skills, and who receive positive early interventions demonstrate academic progress, and are significantly less likely to be referred to special education;

Whereas, if the appropriation for part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) exceeds $4,100,000,000 for a fiscal year, a local educational agency may reduce its local spending on special education for such fiscal year by an amount equal to 20 percent of the amount that exceeds the prior year's appropriation so long as the local educational agency is not failing to comply with the requirements of part B of such Act, as determined by the State educational agency;

Whereas the Individuals with Disabilities Education Act has been successful in achieving significant increases in the number of children with disabilities who receive a free, appropriate public education; and

Whereas the current level of Federal funding to States and localities under the Individuals with Disabilities Education Act is contrary to the goal of ensuring that children with disabilities receive a quality education: Now, therefore, be it

Resolved, That the House of Representatives urges the Congress and the President, working within the constraints of the balanced budget agreement, to give programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) higher priority among Federal education programs by working to fund the maximum State grant allocation for educating children with disabilities under such Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

The Committee will now consider H. Res. 399, a resolution urging the Congress and the President to fully fund the Federal Government's responsibility under the Individuals with Disabilities Education Act. This resolution was introduced by the gentleman from New Hampshire (Mr. BASS) and I am pleased to be an original cosponsor.

I would like to start out by recognizing the efforts of my friend and colleague the gentleman from Pennsylvania (Mr. GREENWOOD). He has been a leader in helping move this resolution through our committee in a bipartisan manner. He has been a strong voice for providing fiscal relief to local communities, which not only pay their share of special education costs but most of the Federal share as well.

For those who may not be aware, in 1975, when the original legislation was passed, the Congress of the United States indicated that over several years they would fund 40 percent of the excess costs for special education. Up until 3 years ago, they were funding about 6 percent. I am happy to say that we got about a 77-percent increase in the last 3 years. But it is still a long, long way from the 40 percent that was promised for the excess costs of educating a special education child.

This unpaid Federal share means that the local school district has to do the funding. It also then means that the local school district has to take that money from all other programs in order to fund our share of special education. In many districts that is 55 percent of their entire budget. And so, I am hoping that we will continue the trend that we have had in the last 3 years.

Unfortunately, when the President sent up his budget, he level funded special education. But what level-funding really means is a dramatic cut. Because if you consider inflation and then, above all, consider the new children who will be coming into special education through increased enrollment, it means that we are going to fall way short if we would follow his budget.

I am hoping that with the program that came from my committee, dealing with literacy, with family literacy particularly, that in the long run we can find a way to eliminate an awful lot of people from ever getting into special education. Because, unfortunately, many of our special education students today are there simply because they have a reading difficulty. There is no reason for that to happen.

We know now that most youngsters can learn to read. With the family literacy program that we are including in our legislative initiative from our committee, hopefully we can eliminate an awful lot who would normally fall into special education.

But now is the time where we thank Mrs. MCCARTHY, who testified with the gentleman from New Hampshire (Mr. BASS) at our hearing on this a few weeks ago. I look forward to bipartisan effort to make sure that we eventually get to that 40 percent of excess cost coming from the Federal Government.

This year we should be able to get, for the first time ever, at the level where the local schools will be able to reduce their spending on special education. When we meet that magic figure, and this year I believe we need $300 million to get to that figure, they then can, for the first time, reduce their spending on special education. It does not, however, allow the state to reduce their spending on special education.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

I want to start out by saying that I am pleased to rise in strong support of this resolution which is before the House. H.Res. 399 is a truly bipartisan bill and should meet with the approval of Members from both sides of the aisle.

The chairman a moment ago was I think commendable in commending the Members on his side of the aisle that worked very hard for this. But I do not think it is any secret that there is no one that has worked harder for the full funding of IDEA than the chairman himself, the gentleman from Pennsylvania (Mr. GOODLING).

Mr. Speaker, full funding of IDEA is a goal which has been around with us for a long time. It has the strong support of all Members in this body. As many Members here know, presently the Federal Government provides only 11 percent of the excess cost of educating a child with disability.

The goal that we set for ourselves, as the chairman has alluded to in 1979, in 1975, when Congress first passed IDEA's predecessor, the education for all handicapped children, it was to provide 40 of the excess cost of educating a child with disability. Unfortunately, Congress has been unable to meet this goal despite the hard work of many Members from both sides of the aisle.

With this goal in mind, I believe the strong statements that this resolution make is vitally important. Clearly, the needs of children with disabilities and the costs associated with ensuring that they receive a free and appropriate public education are important factors in determining if we are to have a society where all those with disabilities and those without have a chance to succeed and become economically contributing adults.

In closing, I want to salute the gentleman from Pennsylvania (Mr. GOODLING) again, the gentleman from California (Mr. RIGGS) and along with the gentleman from Pennsylvania (Mr. GREENWOOD) for their long-standing efforts to increase funding for this very important bill and for the valuable work during the committee process.

I also want to thank especially the gentleman from Pennsylvania (Mr. GREENWOOD) for his hard work on fashioning the resolution, which I believe gained bipartisan support. I urge all Members support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS) the author of the resolution.

Mr. BASS. Mr. Speaker, I rise in very strong support of House Resolution 399, a resolution that would make the full funding of special education a high priority of this Congress.

I want to thank the distinguished chairman and gentleman from California for making this a truly bipartisan resolution.

□ 1615

The idea came to me as I listened to the State of the Union address in January that the President delivered, and he talked about the importance of education. And as one who comes from a State like New Hampshire which depends on funding for education, 98 percent of the funding coming from the property tax base at the local level, nothing hits the property taxpayers worse in New Hampshire than special education. It really should not be that way, because special education originally was mandated to be paid for at the rate of approximately 40 percent.

As we heard the chairman and the ranking member mention in their speeches, that has been chronically underfunded. Indeed, funding of special education has been the mother of all unfunded mandates of this government for the last 25 years. I think this resolution is way overdue and it should be passed today.

Let me just point out that in some towns in my State, special education costs make up half of the entire education budget for a given town. This puts pressure on school district administrators, on students, and perhaps most unfortunately on the parents of developmentally disabled students in a small community.

I believe that as Congress sets its priorities for new education spending, that fully funding the existing mandates that we have outstanding today should come ahead of new education funding for new programs in education. Fully funding special education in New Hampshire alone would increase funding from $17 million a year to $68 million a year. That, Mr. Speaker, would make a significant impact on the whole education picture in New Hampshire. I am sure the same is true in every other State in the country.

I hope, Mr. Speaker, that today the House will pass this resolution which has been introduced by me, supported by the committee, amended to make it as bipartisan as possible, because we all recognize the importance of special education firstly; and, secondly, the importance of fully funding the Federal Government's commitment to this important program.

Mr. MARTINEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT) who is a strong, strong supporter of everything that benefits all the young people of our country.

Mr. SCOTT. Mr. Speaker, I thank the gentleman from California (Mr. MARTINEZ) for yielding me this time.

Mr. Speaker, as one of the strong supporters of IDEA, I am pleased to support this resolution. I want to thank the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from California (Mr. RIGGS), the gentleman from California (Mr. MARTINEZ), the gentleman from Missouri (Mr. CLAY), the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from New Hampshire (Mr. BASS) for working on this resolution. The Individuals with Disabilities Education Act represents this country's commitment to ensure that all children, including children with disabilities, are entitled to a free and appropriate public education. I support IDEA and I support more funding for this program. This resolution, unfortunately, does not include two provisions that I think need to be addressed. Although I support the resolution and will vote for it, I wish that it could have addressed two issues.

The most important principle missing in the resolution is that we should not take away from other educational programs in order to fully fund IDEA. The needs of our public schools remain high and we should not rob Peter to pay Paul. In the past, we have seen efforts to shift funding from other educational accounts to IDEA without changing the bottom line.

The second principle missing from the resolution is that we should urge the localities once the $4.1 billion appropriation mark is triggered to spend their 20 percent of relief on education. Under current law, localities may use 20 percent of any increase in IDEA funding above the trigger to offset their current effort on special education. However, this relief can be used for roads, jails, tax relief and so forth. There is no guarantee that any of the local offset would be used to recycle the money to other educational programs.

Even more of a concern is that transferring funds from other Federal education programs to increase funding for IDEA could actually result in a net reduction in total spending for elementary and secondary education. If we pursue a strategy of reducing the funding of other education programs to fully fund IDEA, we will risk a 20 percent net reduction in our investment in elementary and secondary education programs at the expense of children, both disabled and nondisabled, that these programs serve.

Mr. Speaker, I strongly support the bipartisan resolution and hope that we can continue a bipartisan effort to

fully fund IDEA without jeopardizing our investment in other educational programs.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCKEON), one of my great subcommittee chairmen.

Mr. MCKEON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in strong support of H.Res. 399 which calls upon Congress and the President to fulfill our commitment to some of our Nation's neediest children, those with disabilities.

For too long, Washington has shirked its responsibility to provide our local school districts with the funds necessary to carry out the expensive mandate created with the enactment of the Individuals with Disabilities Education Act.

In my home State of California, the cost of educating an estimated 610,000 children with disabilities is a staggering $3.3 billion. But the Federal Government contributes only $413 million, which translates to only 12.5 percent of the total cost. This, after saying that they would fund 40 percent of the cost.

Even more alarming is the impact of this Federal mandate on our local school districts. For example, the Federal Government picks up only 5 percent of the estimated $7.6 million price tag for educating the nearly 1,200 children in the William S. Hart High School District, the district I served on the local school board in my congressional district.

To make matters worse, the President level-funded IDEA in his fiscal year 1999 budget while calling for $20 billion to fund a laundry list of new Federal education pet projects.

If the President would first fund the special education mandate, which was the responsibility of the Federal Government years ago when this bill was passed, our communities would have the funds to do the things the President proposes, such as building new schools, hiring more teachers, reducing class size and buying more computers. I say the first thing that we should do is fully fund the IDEA bill, and I urge my colleagues to support this resolution.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD), the gentleman who helped shepherd the bill through the committee.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it is interesting that here in Washington sometimes education becomes a subject of controversy, when most Americans would look at us as politicians and say, what could be controversial about education.

We all know that there is nothing more important in the world than that our precious children receive the best education that they can so that they can make the most of themselves in every way and that we can compete as a nation against every other country in the world as they educate their children.

Of even less controversy, if that is possible, is the notion that children who have particular challenges, whether they are children with mental retardation or they have social or emotional problems, whether they have learning disabilities, speech impediments, what have you, that we as a society want to go overboard and do more for those kids than we do for other kids, if that is possible, because of the challenges that face them. None of that is controversial. We are all in support of that. What does get controversial is when we talk about whether it is the Federal responsibility or the State responsibility or the local responsibility to support certain aspects of education, and that is in fact very controversial.

Most Republicans feel very strongly that the States should determine the curriculum, should determine the basics of education and that the localities should run the schools and make the decisions about hiring and firing and how they want to run their local school districts. But the President has proposed Federal responsibilities that would be new. He has proposed that the Federal Government get involved in school construction, that the Federal Government get involved in hiring teachers.

Back to what is not controversial, IDEA is not controversial. The Congress 23 years ago said we have got to give these kids everything we can give them, the school districts are mandated to do that, and just last year, I believe it was, we reauthorized IDEA, I think with maybe one negative vote, if not unanimously, I think it was one negative vote out of 435 of us. This proposal, the Bass proposal, says let us put all the controversy aside and let us do what we agree on, let us finally fully fund special education, take this enormous burden that we have imposed on the States and shoulder our fair share as the Congress, and then the beautiful part of it is that every school district in America, so relieved of this burdensome Federal responsibility, has the opportunity to make a specific local decision what to do with the money it would have otherwise had to dedicate to special education and if they need a new roof, put a new roof on; if they need to hire new teachers, do that; if they need computers, do that.

This, I think, is a complete win-win proposal, that we help the kids in America who need special education, who need special attention, help them the most and then at the same time free up every locality, every local school district in the country to then tailor-fit its budget to its particular needs.

I urge support of the Bass resolution.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to respond to the gentleman from Pennsylvania who just spoke. I want to make it very clear here why the Federal Government is involved in this. I do not think the Federal Government has ever in any of the legislation we have passed tried to set curriculum for local schools. In fact, we very much have stayed away from that.

The fact is that local schools and local school districts were not educating these disabled children. There was a court case that went to the Supreme Court, where the Supreme Court found that there were millions of young children throughout this country that were disabled who were not receiving a vital education; more importantly even unequal education. They were being pushed into back rooms and basement classrooms, sometimes not even being dealt with at all. As a result, the court found that these children were entitled to a full and meaningful education.

And so then Congress acted, because the local districts and school districts would not. But they did not set any curriculum. What they did was tell the local schools that they would have to educate these children. But in doing so, they recognized one of the main reasons why a lot of these local school districts and local jurisdictions did not educate these young people was because it was much more costly to educate them.

The Federal Government, in recognizing that it was much more costly to educate them, then developed the idea that there was a certain burden, a responsibility, you might say, that the Federal Government had, not putting a burden on the local school district other than that they were mandated by the Supreme Court action that they had to educate these children. That was the burden, not what the Federal Government did. The Federal Government then decided that they would fund 40 percent of this.

Now that becomes the crux of the situation we are in today and why we need legislation that decries the lack of funding on the part of the Federal Government for this particular program. We are only trying to get to that 40 percent that was initially agreed to that has never been attained, and, as many of the speakers here today have said, there has only been 11 percent ever reached in totality for that funding; I think that that is why we are here today.

But I want to make it very clear, the Federal Government is trying to alleviate, or we as Members of Congress through this resolution are trying to alleviate a problem that was created basically initially by the lack of education of these young people in those local districts.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. SNOWBARGER).

Mr. SNOWBARGER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to express my strong support for House Resolution 399. I am pleased to be an original cosponsor of this responsible legislation. In 1973, Congress created the original special education program that mandated States to provide equal education for all students. Congress then pledged to pay 40 percent of the increased costs incurred for complying with this new Federal law and promptly reneged on its end of the bargain.

Since the inception of the Individuals with Disabilities Education Act more than 20 years ago, Congress has paid for less than 10 percent of the costs we promised we would assume. It is high time for Congress to correct this problem and ease the burden this mandate places on States and local school boards.

□ 1630

Over the past 20 plus years more than $115 billion should have been provided to the local schools to pay for this unfunded mandate. This $115 billion would have provided necessary funds to cover increased special education costs and would have allowed our locally-elected school board members to direct their State and local funding to pay for local priorities instead of unfunded federal mandates.

While I cannot do anything to reverse decisions made before I became a Member of this body, I believe we now have the opportunity to act responsibly to remedy this negligence. The failure of Congress to live up to our end of the bargain is a disgrace. Passage of this legislation is a good start toward correcting this problem.

Mr. Speaker, I urge my colleagues to support House Resolution 399.

Mr. GOODLING. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. RIGGS), another one of our subcommittee chairs.

Mr. RIGGS. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding this time to me, and I want to join the gentleman and several other colleagues in rising to support this important resolution that is more than symbolism. It is critically needed and, I think, very urgent legislation, and I want to salute my good friend, classmate of sorts, the gentleman from New Hampshire (Mr. BASS) for his leadership on this particular issue.

I can tell my colleagues that as one of the principal authors of last year's IDEA, the Individuals with Disabilities Education Act legislation, the so-called IDEA amendments of 1997, that I believe that this resolution, the Bass resolution, is the next logical step in fulfilling the promise of these amendments which were intended to improve the educational opportunity and the educational outcomes for children with disabilities, and I regret to say, because this legislation is very much bipartisan in nature, it was approved and advanced to the committee process on a voice-vote basis beginning in the subcommittee that I chaired, that I just regret that this legislation is at least necessitated in part because of the President's budget proposal to the Congress to level fund the IDEA program at a rate that I do not think will keep pace with inflation. And not wanting to read too much into the President's budget proposal, but I have to wonder how he can justify level funding or nominal increase in funding for IDEA on the one hand with his proposal for a host of new programs, additional categorical programs funded by Federal taxpayers on the other hand, particularly when the latter, the proposal for all these new programs, and I know they all sound well, and I am sure they have all been focused grouped and that they are in part politically or poll driven, but that proposal assumes this windfall of Federal revenue resulting from settlement of the tobacco class action litigation, and I do not think that there is any Member in this body who can really make that assumption because that legislation at the present time is obviously problematical.

But back on the point, IDEA works. It is not some new untested program like so many of the ones that the President has proposed. As the gentleman has pointed out, since IDEA was enacted in 1975 the number of children with disabilities who have gone on to college has tripled, and the unemployment rate for individuals with disabilities who are now in their 20s is almost half that of other individuals who do not benefit from IDEA.

Other speakers have testified about the fact that IDEA remains a largely underfunded federal mandate, sort of the mother, if my colleagues will, of all unfunded mandates imposed by the Congress on state and local educational agencies, and we need to address that problem, and the gentleman from Virginia (Mr. SCOTT) spoke of the trigger or threshold of 4.1 billion, and that figure is reachable this year, and it would in turn free up local and State education funding for other worthwhile activities.

So I say let us support the Bass resolution, let us make good on that long overdue promise to State and local educational agencies. Let us tell the President, no, we will not turn back on school children with disabilities, and we will not leave local taxpayers to foot the bill for special education.

Support the Bass resolution. Make IDEA funding a top and not the top priority for education.

Mr. MARTINEZ. Mr. Speaker, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

First of all, I am proud to say that Pennsylvania was ahead of the Federal Government when it came to IDEA. However, that too was a court decision, before they got around to making that decision on the Federal level. But for 20 years I sat in the minority asking the majority both in the Committee on Education and Labor and on the Committee on the Budget along with the gentleman from Michigan (Mr. KILDEE) to please fund the 40 percent promised. We've got to make sure we understand we are talking about the 40 percent of excess costs. We are not talking about 40 percent of the costs for special education. We are talking about 40 percent of the excess costs to educate a special education student in relationship to a student in general education. It is the only curriculum mandate from the Federal level. It is important that everybody out there listening understands that, because we get blamed for every curriculum problem that they may have in a local district. The only federal mandate as far as curriculum is concerned is special education.

I told the President on several occasions that if he wants a legacy—if he wants a positive legacy in education—the way to get it is to make sure that he works with us to fully fund that 40 percent of excess costs.

I am happy to say that we are here in a bipartisan effort. Everybody wants to make sure that we not only help the special education child. What I do not want to see happen, and what is beginning to happen because parents of students that are not in special education are beginning to say ''Where is our money going that we want for this and that?'' The school district has to say, ''Well, we have to fund what the Federal Government mandated.'' So it is a bipartisan effort to make sure that we carry our share of the special education financial burden. I am happy to support Congressman BASS' resolution, I would hope that we could get a hundred percent of the entire Congress supporting this resolution, since it is a bipartisan effort.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in strong support of H. Res. 399, a resolution urging Congress and the President to fully fund the Individuals with Disabilities Act, or IDEA. I want to commend the gentleman from New Hampshire, Mr. BASS, for all his hard work and efforts in bringing this important resolution to the floor today.

In 1975, when Congress passed the original IDEA bill, it made an historic commitment to support children and families with special education needs. At that time, Congress also committed the Federal government to providing 40 percent of the funding for the IDEA mandates on local communities. Today, the Federal government provides a mere 9 percent of the necessary funding. And for Fiscal Year 1999, President Clinton's budget flatlines IDEA funding. This is shameful.

It is incumbent upon us here in Congress to maintain our financial commitment to IDEA, and to provide the money our schools and communities need to provide services to individuals with disabilities and their families. If the President provided IDEA with the full 40 percent in Federal funding, local schools would have more money to spend on other initiatives, including school construction, hiring new teachers, decreasing class sizes and buying more computers.

By passing this bill today, we reinforce our commitment to providing the means to educate the students who need our help most. I urge my colleagues to vote for this bill, and

when the time comes, to support full funding for IDEA.

Mr. PAUL. Mr. Speaker, I appreciate the opportunity to express my opposition to H. Res. 399, the resolution calling for full-funding of the Individuals with Disabilities Act (IDEA). My opposition to this act should in no way be interpreted as opposition to increased spending on education. However, the way to accomplish this worthy goal is to allow parents greater control over education resources by cutting taxes, thus allowing parents to devote more of their resources to educating their children in such a manner as they see fit. Massive tax cuts for the American family, not increased spending on federal programs, should be this Congress' top priority.

The drafters of this bill claim that increasing federal spending on IDEA will allow local school districts to spend more money on other educational priorities. However, because an increase in federal funding will come from the same taxpayers who currently fund the IDEA mandate at the state and local level, increasing federal IDEA funding will not necessarily result in a net increase of education funds available for other programs. In fact, the only way to combine full federal funding of IDEA with an increase in expenditures on other programs by state and localities is through massive tax increases at the federal, state, and/or local level.

Rather than increasing federal spending, Congress should focus on returning control over education to the American people by enacting the Family Education Freedom Act (H.R. 1816), which provides parents with a $3,000 per child tax credit to pay for K–12 education expenses. Passage of this act would especially benefit parents whose children have learning disabilities as those parents have the greatest need to devote a large portion of their income toward their child's education.

The Family Education Freedom Act will allow parents to develop an individualized education plan that will meet the needs of their own child. Each child is a unique person and we must seriously consider whether disabled children's special needs can be best met by parents, working with local educators, free from interference from Washington or federal educrats. After all, an increase in expenditures cannot make a Washington bureaucrat know or love a child as much as that child's parent.

It is time for Congress to restore control over education to the American people. The only way to accomplish this goal is to defund education programs that allow federal bureaucrats to control America's schools. Therefore, I call on my colleagues to reject H. Res. 399 and instead join my efforts to pass the Family Education Freedom Act. If Congress gets Washington off the backs and out of the pocketbooks of parents, American children will be better off.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and agree to the resolution, H. Res. 399, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read:

Resolution urging the Congress and the President to work to fully fund the Federal Government's responsibility under the Individuals with Disabilities Education Act.

A motion to reconsider was laid on the table.

SENSE OF THE HOUSE THAT SOCIAL PROMOTION IN AMERICA'S SCHOOLS SHOULD BE ENDED

Mr. RIGGS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 401) expressing the sense of the House of Representatives that social promotion in America's schools should be ended and can be ended through the use of high-quality, proven programs and practices, as amended.

The Clerk read as follows:

H. RES. 401

Whereas high student achievement and academic advancement are vitally important to our Nation's schools and the future success of America's workforce;

Whereas some pupils proceed through school without having mastered the knowledge and skills required of them, and graduate from high school ill-equipped to handle college-level work or obtain an entry-level job;

Whereas ''social promotion'', the practice of moving pupils from one grade to the next regardless of whether they have the knowledge and skills necessary for the next level, is one reason for a pupil's inadequate academic achievement levels;

Whereas research has shown that retention, the customary alternative policy to social promotion, is also an inadequate response to the problem in that pupils are usually presented with the same instructional practices and materials that were ineffective the first time around;

Whereas to help underachieving students learn, it is essential that policies and programs address the underlying causes of failure and rectify the problems through various proven instruction practices;

Whereas high-quality teacher training and education, and other proven practices will provide our teachers with the tools necessary to educate our Nation's children and work toward high academic achievement by students;

Whereas social promotion policies already have been abolished in Louisiana, Arkansas, Florida, New Mexico, North Carolina, South Carolina, West Virginia, and in Chicago, Illinois, Portsmouth, Virginia, Long Beach, California, and Milwaukee, Wisconsin; and

Whereas the abolishment of social promotion policies have been proposed in California, Michigan, Wisconsin, Delaware, Texas, Oklahoma, New York, Washington, D.C., and in Boston, Massachusetts, and Philadelphia, Pennsylvania: Now, therefore, be it Resolved,

That it is the sense of the House of Representatives that—

(1) ending social promotion should be addressed in America through a coordinated effort by government officials, teachers, and parents committed to high academic achievement of students;

(2) State Education Agencies and local educational agencies that receive Federal funds should make every effort to address and end social promotion;

(3) the problems associated with social promotion can be resolved effectively through a commitment to provide high-quality training and education for our teachers, and the use of other proven practices; and

(4) States should adopt high, rigorous standards and standards-based assessments aimed at requiring academic accountability with the specific aim of ending social promotion and raising student achievement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (MR. RIGGS) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, obviously I rise to support the resolution and urge my colleagues, our colleagues, to approve this sense of Congress resolution that social promotions in our schools should end.

The very first thing I want to do, because I may interject a few more partisan remarks a little bit later or remarks more aligned with the Republican philosophy on education, is salute and thank my very good friend, the ranking member of the committee that I am very privileged and honored to chair, the gentleman from California (Mr. MARTINEZ) for his leadership on this issue. I want the record to show that it was Congressman MARTINEZ's leadership in this area that resulted in this legislation reaching the House floor today. He initially approached me and suggested that we direct our attention in the subcommittee on the problem of social promotions, and I think as every Member of this body knows, particularly any Member that has attended a State of the Union address, the two recent State of the Union addresses by the President, or for that matter reviewed a transcript of his addresses, they would know that the President has spoken, and I think very sincerely, of the problem of social promotion in American education today in this very Chamber.

So I am pleased to join the gentleman from California (Mr. MARTINEZ) and by extension President Clinton and others who share this concern in supporting this resolution.

The act of promoting a child from grade to grade or for that matter even allowing a child to graduate from junior high school or high school regardless of his or her readiness; that is to say, regardless of what that child has learned and what they can demonstrate they know, is a very real problem in American education today, and as I mentioned, the President has spoken of this phenomenon, and many of us who also hold positions of elected responsibility have spoken of our concern that children are too often promoted from grade to grade or even graduated as much on the basis of what we might call good behavior and seat time as on the basis of what they know and can demonstrate that they have learned.

The gentleman from California (Mr. MARTINEZ) and I believe that promotions should be based on both the academic performance and the relative individual development readiness of

the child. Government officials, teachers, parents, all of us who for that matter are committed to high academic achievement and who believe that we ought to have high expectations and standards of teachers and parents and children alike, all of us want to join in this effort really beginning today to end social promotion through a coordinated effort, and this resolution, Congressman MARTINEZ's or the Martinez-Riggs bipartisan resolution expresses that policy.

Now we know that we have roughly 52 million children in elementary, American children obviously, in elementary and secondary schools in this country, 46 million of the 52 million attending some 87,000 public schools, and I hope this resolution reaches everyone of those children and everyone of those schools. This resolution lists the communities and the States around the country where social promotion has already been abolished or is proposed to be abolished. Those States and communities which have already abolished social promotion include Louisiana, Arkansas, Florida, New Mexico, North Carolina, South Carolina, West Virginia, Chicago, Illinois, Portsmouth, Virginia, Long Beach, California, and Milwaukee, Wisconsin. Those States and those communities are to be commended because they have taken on this problem of social promotion, and they are tackling it head on with tough standards and expectations, and part of that expectation is that every child can succeed in elementary and secondary school. In fact I will go so far, and this is somewhat anathema for a Republican, but I salute the large national teachers' unions for also speaking about this problem of social promotion.

There are many other States and communities where social promotion has been proposed to be abolished altogether, and those States and communities include California, my home State, Michigan, Wisconsin, Delaware, Texas, Oklahoma, New York, here in the District of Columbia, Boston, Massachusetts and Philadelphia, Pennsylvania. These communities, these States, serve as a model for the rest of the Nation to follow.

House Resolution 401 also calls on State educational agencies and local educational agencies that receive Federal funding, Federal taxpayer funding, for educational purposes to make every effort to address and end social promotion. All children should be given the strongest possible foundation, academic foundation, in school upon which to build their future until they can develop to their fullest potential as citizens of the greatest Nation on earth and as children of God, and I compliment the gentleman from California (Mr. MARTINEZ) for focusing attention on this issue, and I urge support of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I want to thank the chairman, the gentleman from California (Mr. RIGGS) of the Subcommittee on Children, Youth and Families for his willingness , and, no, I should not say willingness, eagerness to join me in this effort. I also want to thank him for the expeditious way he moved this bill through the committee and then on through the full committee.

□ 1645

As he has said, social promotion in our Nation's schools is a destructive force that undermines our children's academic achievement, and therefore, the future of our Nation's economy and overall well-being.

H. Res. 401 sends a strong message, one that is much needed, that the Congress expects all of our children to meet high academic standards.

Social promotion, as many of us know, is a process of promoting children from one grade to the next without meeting the necessary academic standards. This means children are moved from grade to grade without the skills or knowledge to succeed. Lacking a strong educational foundation, the children of our communities and our country will be ill-served in their quest for future employment.

Unfortunately, for many years, educators discouraged holding children back due to the fear that it would harm them. However, compelling a student to repeat a grade and then using the same instructional techniques which previously failed does little to foster learning. In order to truly combat the plight of social promotion in this country, we need to invest in our educational system and our children. We need to believe that all children can and will academically succeed.

Government officials, teachers and parents must work together in a commitment to the high academic achievement of our students. States and local school districts should adopt high-quality academic standards and hold students to those standards. Resources must be focused on giving teachers the tools to educate our children through the high-quality professional development of themselves, and the utilization of summer school, after school, and other proven educational practices.

This resolution seeks to send that message that without the commitment to high standards and the proper investment in our educational system, social promotion will continue to harm the success of our Nation and its people. The important message of this resolution is evidenced by the bipartisan support it has received, particularly from the chairman of the Committee on Education and the Workforce, the gentleman from Pennsylvania (Mr. GOODLING), and the chairman of the Subcommittee on Early Childhood, Youth and Families, the gentleman from California (Mr. RIGGS).

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. RIGGS. Mr. Speaker, I yield myself such time as I may consume.

Now that we have struck that note of bipartisan cooperation and agreement, I just want to interject for the RECORD, and here I think is the clear, and I believe collegial difference between the Democratic Members of the House of Representatives and the Republican Members; while we agree on the problem, the problem being social promotion, we disagree on the solution to the problem.

Many of us, if not most of us on the Republican side of the aisle, feel that the solution inherently involves infusing the education system today with more competition, giving parents more choice, and that is that the best way, if not the only way, to ensure bootstrap improvement in our schools and ensure that schools are ultimately more accountable to the consumers of education: parents and guardians. At the risk of belaboring this point, since we have discussed it many times informally and in committee and certainly on this House floor, it is good to see the Delegate from the District here, since she is a passionate opponent of vouchers or parental choice in education and is sincere in her views.

I just want to refer my colleagues to a letter that I saw published in the Washington Post over the weekend, a publication I do not often quote on the House floor, because I think it is the single best writing on parental choice in education that I have ever seen. It is from a lady by the name of Marilyn Lundy of St. Clair Shores, Michigan, and she wrote in response to an article that the Post had published earlier on parental choice in the District of Columbia, this idea of vouchers, or scholarships, as prefer to call them, for low-income families. That article was entitled, ''Poll Finds Backing for D.C. School Vouchers; Blacks Support Backing More Than Whites.''

In the article Ms. Lundy says, one person responding to the poll, a Howard University professor, is quoted as saying, and this is a quote within a quote, because I am not quoting Ms. Lundy, I am quoting this Howard University professor and poll respondent, as saying, '''The Founding Fathers, Jefferson, Washington and Adams, considered public education to be the key to success to the democratic Republic.'''

Vouchers cannot help but weaken public education. I think that boils down to its very essence, the argument that voucher opponents from President Clinton on down, within the Democratic party, repeatedly make.

Now, Ms. Lundy goes on to say, ''Sorry, sir, but those gentlemen would not have known public education as we know it today, and would be horrified at its present condition. Education in the colonies, and at the time of the Founding Fathers, was the province of private and community endeavors and

financing.'' My colleagues heard me right, ''Private and community endeavors and financing, and was often transmitted by ministers, who were generally the most educated in the community.

''Since most of the early colonists were Protestants, for whom salvation was dependent on private interpretation of the Bible, literacy was of great importance and the Bible was an integral part of the school, reflecting the religious affirmation of the people.''

Ms. Lundy goes on to write, ''Not until the 1820s and 1830s, and Horace Mann, was their general movement toward publicly financed community schools, which were called 'common schools,' not public schools, but still these common schools were voluntarily and predominantly Protestant oriented. Mandatory attendance did not enter the picture until many decades later.

''Yes, public education is a key factor in a democratic,'' small D, ''republic, but not necessarily as implemented through government-operated schools only, which seems to be the mantra of those opposing vouchers. The idea that the State makes education mandatory, taxes all to pay for it, but then forces children into government-operated schools as a condition for receiving their just benefits is more a tenet of socialism/totalitarianism,'' Ms. Lundy contends, ''than democracy. In fact, the United States is the only free Nation that denies taxpayer-funded assistance to children in nongovernmental schools.

''In a Nation that professes freedom of speech and religion and equal protection of the laws, it would seem that choice, competition and equal educational opportunity are essential ingredients to universal public education. In other words, fund the education of the child according to the constitutional rights of the parents, rather than fund a government system into which children whose families cannot afford otherwise are forced.

''It is this virtual monopoly that has weakened public education. The choice, competition and direct accountability to parents created by vouchers are what is needed to revitalize public education, and I thank Ms. Lundy for putting it so well.'' At this time I would include this article for the RECORD.

THE EDUCATION MONOPOLY

In Sari Horwitz's news story ''Poll Finds Backing for D.C. School Vouchers; Blacks Support Backing More Than Whites,'' [Metro, May 23], one poll respondent, a Howard University professor, is quoted as saying: ''The Founding Fathers, Jefferson, Washington and Adams, considered public education to be the key to success to the Democratic republic. Vouchers cannot help but weaken public education.''

Sorry, sir, but those gentlemen would not have known public education as we know it today—and would be horrified at its present condition. Education in the colonies, and at the time of the Founding Fathers, was the province of private and community endeavors and financing, and often was transmitted by ministers, who were generally the most educated in the community.

Since most of the early colonists were Protestants, for whom salvation was dependent on private interpretation of the Bible, literacy was of great importance and the Bible was an integral part of the school, reflecting the religious affirmation of the people.

Not until the 1820s and '30s, and Horace Mann, was there general movement toward publicly financed community schools, which were called ''common schools,'' not public schools—but still these common schools were voluntary and predominantly Protestant oriented. Mandatory attendance did not enter the picture until many decades later.

Yes, public education is a key factor in a democratic republic, but not necessarily as implemented through government-operated schools only, which seems to be the mantra of those opposing vouchers. The idea that the state makes education mandatory, taxes all to pay for it but then forces children into government-operated schools as a condition for receiving their just benefits is more a tenet of socialism/totalitarianism than democracy. In fact, the United States is the only free nation that denies assistance to children in nongovernment schools.

In a nation that professes freedom of speech and religion and equal protection of the laws, it would seem that choice, competition and equal opportunity are essential ingredients to universal public education. In other words, fund the education of the child according to the constitutional rights of the parents, rather than fund a government system into which children whose families cannot afford otherwise are forced.

It is this virtual monopoly that has weakened public education. The choice, competition and direct accountability to parents created by vouchers are what is needed to revitalize public education.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume to refer to something that my good friend and colleague, the gentleman from California (Mr. RIGGS), said that the Democrats and Republicans have a different philosophy on a particular issue: vouchers.

It may be that in the simple question of vouchers themselves, there may be a big difference, but I am not sure that as far as choice is concerned, we are all that far apart. I am sure that not all Democrats are against choice, but we have to understand what choice is. In fact, there is choice now. In fact, I had that choice.

I sent my children to parochial school to begin their first years, K through 6, and they got to choose whether they wanted to go on to parochial school in the upper grades or not. One did, and 4 did not. They went to public schools and the one went to parochial schools. So I had that choice. I had the choice to send my kids to the kind of school they wanted. That choice exists today. In fact, now in many school districts one can choose to send one's child to another district simply because one believes that district is a better school district and one can get a waiver from the school district to send them there.

So the one main concern that maybe the Democrats do have is to make sure that every child in this country has a full and meaningful education, and the only way we can do that is to make sure that the public school system has the resources that it needs to do that. Other than that, if we were able to guarantee that every public school child had the resources to get a full and meaningful education, I would not care where they sent their kids or where everybody sent their kids, but the main thing is that the public school system is the major source of our education in this country and it has to be protected before we can consider other choices that are available.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman from California for yielding me this time. I thank him also for his leadership in proffering this most valuable resolution. I also thank the chairman of the subcommittee, the gentleman from California (Mr. RIGGS), for the bipartisan spirit in which he has joined this resolution.

Before I speak directly to it, I do want to note for the RECORD that the majority seldom comes forward to endorse another public entitlement, and here the majority appears to endorse a public entitlement to choice for education. I think it is a precedent that should be noted for the RECORD. If only the majority would support entitlements such as the one that was on the floor just ahead of this one, that 40 percent of funds for children in special education be paid for by this body, I would be prepared then to look more seriously at the public entitlement to go to private schools that is here offered this afternoon.

Mr. Speaker, I do want to commend the gentleman for his support of charter schools. We know that vouchers are on their way to the Supreme Court, one State court having already found them unconstitutional. I wish to offer what amounts to a subset of this resolution for a truce, until the Supreme Court tells us whether vouchers are constitutional or not, because neither the gentleman from California (Mr. RIGGS), nor I, nor any Member of this body, will have the last word on that. The last word on that serious church-State question lies with the court. So if we are serious about providing education for children in the meantime, we will look for opportunities such as that offered by the gentleman from California (Mr. MARTINEZ), for true bipartisan work to help children where they are now, such as the resolution that was offered before this one, and this resolution now.

May I also note for the RECORD, Mr. Speaker, that I endorse choice in the very way that the gentleman from California (Mr. MARTINEZ), has shown how choice works in a society which separates church from State. Instead of entanglement of church and State, something that has kept us free from religious warfare for 200 years, essentially it says, choices are available to us all, but as with everything else in a

market economy, the Federal Government will not pay for all choices, and one choice we choose not to pay for is religious education, in no small part because that entangles the State with the church and would force the church to abide by rules and regulations that no church in this society could possibly accept, because there is no free money that comes from the Congress. Every bit of money that comes from us comes with strings attached, and this Member will never attach strings to money that goes to churches or to religious institutions.

I am proud to associate myself with the work of the Washington Scholarship Fund which, instead of coming with hands out to this body, came into the District of Columbia and said, how many children are there who want to go to private schools? We will raise the money to go to private schools.

I went to the graduation sponsored by the Washington Scholarship Fund and spoke at that graduation at their invitation. Last year I went to St. Augustine Catholic School with the gentleman from Georgia (Mr. GINGRICH), the Speaker of the House of Representatives, and spoke to those eighth grade children who were on scholarship, courtesy of the Washington Scholarship Fund, and on this floor today I want to thank the Washington Scholarship Fund for each and every scholarship they have raised with private money to send our children to religious schools all across the District of Columbia. I wish them well, as they now set up the Children's Scholarship Fund to do the same in cities all across the United States of America. I have sent a letter to them so that they could use it in their publications endorsing their extraordinary work.

□ 1700

Meanwhile, there is much that we can agree upon here today, as the gentleman from California (Mr. RIGGS) and I agree on charter schools. I salute him for his extraordinary leadership there and as, of course, this bipartisan resolution offers us the opportunity to do.

The Martinez resolution to end social promotion speaks to one of the most important issues facing both U.S. education and the U.S. workforce today. I applaud the gentleman from California (Mr. MARTINEZ) and come to bear witness to his resolution in the Summer Stars program which is to be implemented in the District of Columbia beginning June 30.

Mr. Speaker, this program makes the District one of the first and one of the few districts in the United States to abolish social promotion. Children are socially promoted throughout the country in part to avoid incurring dropout rates that occur when students are left behind and to avoid placing older and younger children together in the same class.

The reason social promotion is so widely used, however, is that systems are unwilling to do the hard work associated with replacing social promotion. The District's public schools have just done that hard work establishing an academic enrichment program in math and reading to replace social promotion.

Although students who score below basic in reading and math must attend the Summer Stars program, it is not just an old-fashioned program for failing students that stigmatizes children. It is offered not only to students who must or should attend; students who score proficient or advanced may also attend.

Mr. Speaker, 7,000 students signed up for Summer Stars in the District before the scores were out. The student-teacher ratio will be 15 to one. Homework is required, and three absences drops the student from the program. Breakfast and lunch are provided. Private funds have been secured for after-school enrichment activities that mix recreation and education.

Test results reported last week already show significant improvement in virtually all grades before the Summer Stars program even begins. Further progress from this rigorous and skillfully developed program almost surely will follow. The collective hats of this House should be off to Arlene Ackerman whose leadership as superintendent is responsible for this progress.

If the District keeps this up, Congress will soon not have the D.C. public schools to kick around anymore. I know that this is the desire of this House. The D.C. public schools are not only proud to be leading the way in abolishing social promotion; we are especially proud of the Summer Stars program that we are putting in its place.

Mr. MARTINEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MILLER).

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I thank the gentleman from California (Mr. MARTINEZ) for yielding me this time, and I commend the gentleman for this resolution and the chair of our committee and the ranking member for bringing it both to the committee and to the floor of the House.

Mr. Speaker, this is an important resolution and it addresses a very important and yet complex problem facing our school systems and our families and their children. Too often parents are told in the school system that their children are doing just fine. Students are told that they are doing just fine. And then they are passed from grade to grade.

But later, many of the students find out that despite their good grades, despite their report cards and their diplomas, that they have not achieved even the basic skill levels in math reading and other academic core subjects. I have learned this from talking to students and teachers, observing school districts, and watching how education is applied in the district which I represent.

Mr. Speaker, every Monday morning during the school year I teach a high school class. At the end of that year we have a discussion with those students about their education. Almost all of them are disappointed in their education. Almost all of them believe they could have done more work and better work and almost all of them will say that it really was not asked of them.

Some of them are quite angry that they are not equipped to go out into the world. Some of them are quite angry that the school did not care enough to really find out how they were doing as opposed to passing them on.

I think as the gentlewoman from the District of Columbia (Ms. NORTON) just pointed out in the well of the House, this is an important process of ending social promotion, but ending it with the alternatives.

Too often of social promotion it is said: We do this for the student and for the family so that the kids are not stigmatized, are not held back, and do not have to miss class. However, very often it is done so the school district does not have to be held accountable for what is being done in that school district. They can gloss over the problems of individual children and gloss over the problems of groups of children and give them passing grades and move them along. They do not have to confront the difficult issues about the quality of their teachers, about the quality of their textbooks, about the quality of their curriculum, about the condition of their school buildings. They can simply herd the children along and get them out of the schools.

Cities like Chicago, Milwaukee, and States like Texas have had notable success in strengthening the standards and creating more rigorous criteria for the passage from grade to grade. Implementing rigorous standards can be difficult and controversial. The minute we start to tell a parent or start to tell teachers that students may not be socially promoted, all sorts of problems come right to the forefront.

But, Mr. Speaker, the fact of the matter is that these rigorous standards may be implemented. Such changes are initially greeted with trepidation, but they have actually served to energize students and engage teachers and parents around homework, tutoring, summer school and Saturday morning classes.

Last spring, more than 42,000 students in Chicago were told that they would not be able to advance to the next grade until they met the tough standards set by the large district. Students had to attend summer school. The move was not popular, but the early results are starting to suggest in this instance the get-tough policy worked.

Of the 473 elementary schools, 393 had better math scores this year than

last year, and 271 had better reading scores.

The point is this. They just did not stop social promotion; they offered intensive math and reading tutoring and mentoring and help to those students that needed it, and they also said to the students who were yet to cross that threshold, they let them know what the standard would be at end of the year.

Letting students slide in elementary and high school is not only unwise, it is expensive. A report released in March shows that more than half of the freshmen entering the California State University system last fall needed basic remedial help because they were unprepared for college level math. Forty-seven percent could not handle college level English. How many times must we pay for students to learn the same material that they were supposed to learn earlier in their educational experience?

This resolution is important, but we need to step up to the plate and strengthen accountability for Federal education programs. We spend billions of dollars annually on elementary and secondary education primarily through the title I program, but we do not demand the results that we are entitled to, that the students are entitled to, that the taxpayers are entitled to.

Last year's Obey-Porter bill was a good first step. It will move title I programs to use up-to-date and proven instructional programs. But we need to go further to make sure that whatever model is being used, the students are achieving academically at the standards we should expect.

Higher standards must be coupled with adequate resources. This means better teachers, safe and well-equipped classrooms, and computers with access to the technology and the Internet for all of our students.

Here again, the success of today's debate should not be judged by the strength of today's vote but on what we do after today. There is a bit of disconnect in that we all say we are for education and we all say we want better student achievement, but the reality is that this Congress has really fallen short when it comes to taking action.

Mr. Speaker, we will know we are doing a much better job on behalf of our students and their families and a good job when somebody slips $50 billion in a bill in the middle of the night for school construction and education rather than for the tobacco companies.

We will know we are doing a good job on education when this body struggles to find money for classrooms and teachers with the very same verve with which that they quite appropriately sought funding for roads and bridges.

We will know we are doing a good job on education when we put the same energy into strengthening the accountability that we now waste in conducting partisan and fruitless investigations.

This resolution says many good things and sets a very good direction on ending social promotion. But the time has come for Congress to act to demand accountability for the money that we spend and to demand accountability so that America's parents and families will know how their children are doing as they proceed through their educational experience.

Mr. Speaker, again I commend the gentleman from California (Mr. MARTINEZ), ranking member and author of this resolution, and the gentleman from California (Mr. RIGGS), chairman of the subcommittee, for bringing this to the floor.

Mr. MARTINEZ. Mr. Speaker, I urge all Members to support this resolution, and I yield back the balance of my time.

Mr. RIGGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will briefly close this debate. Let me just say again that with respect to the gentleman from California (Mr. MILLER), my good friend and California colleague, that calling the Congress which has very legitimate oversight and investigative responsibilities as a legislative branch of government, saying that we are engaged in partisan and fruitless investigations is itself a partisan statement. But I guess that is obvious.

Secondly, I just again want to reemphasize that really the direct accountability to parents through choice and competition is in my mind the way to revitalize public education. But I do agree with my Democratic colleagues that there is no silver bullet or panacea. All we can do is say to State and local education agencies and to the civic leaders in those communities, we really believe social promotion is a problem that has to be balanced with high expectations and high standards for parents and teachers alike and students. We hope, again, that today's resolution is a way of starting that debate.

Lastly, I just want to say very gently to the gentlewoman from the District of Columbia (Ms. NORTON) that if we did not think that IDEA funding, that is to say funding for children with disabilities and special needs, was a priority, we would not have brought the Bass resolution to the floor immediately proceeding House consideration of this particular legislation.

Mr. Speaker, I also want to point out to that the Wisconsin Supreme Court just upheld the constitutionality of the low-income parental choice parental scholarship bill in Milwaukee schools and we are very encouraged about that, and we look forward to the Supreme Court perhaps hearing that case on appeal.

Lastly, I agree with the gentlewoman. I want to join with the people who are doing what I think is the Lord's work. They are really angels of mercy, philanthropists and other individuals making charitable contributions to these private scholarship programs underway now in some 50 communities across the country, including the District of Columbia. I extend a hand to the gentlewoman across the so-called partisan aisle to see perhaps if we could work with some of our colleagues to raise even more money for those scholarship programs for low-income families beginning here in the District of Columbia.

Mr. Speaker, since I intend to call for a recorded vote here momentarily, I urge our colleagues to support the Martinez-Riggs bipartisan social promotion resolution.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to express concerns regarding H. Res. 401, which calls for an end to the practice of ''Social Promotion'' in our education system. We can all agree that promoting a student from grade to grade if they have not made the appropriate academic advances is generally not a good idea. However, simply calling for the end of Social Promotion, without acknowledging the issues related to why our children are not meeting academic requirements, ignores the very heart of this issue.

H. Res. 401 calls for the end of Social Promotion, but it is silent on assuring that children are provided quality education which effectively teaches them what they need to know in order to advance to the next grade. This leaves the impression that the simple act of retaining a child in their current grade solves the problem. This does not address the real problem, which is how to prevent children from failing to meet academic standards and how to help them improve their academic achievement.

We know that students need enriched and accelerated curriculum, effective instruction, timely intervention if they have trouble meeting the appropriate standards, and strong parental involvement to assist them. Yet none of these important factors are mentioned in the Resolution.

H. Res. 401 supports the idea of holding children accountable for their lack of academic progress, but it says nothing about holding our education system accountable for a quality education. Children cannot learn without quality instruction, trained teachers, a safe learning environment, adequate textbooks and other curricular material. The question is who is really failing? Is it our children or is it our system?

While I will not vote against H. Res. 401 today, I believe it misses the boat completely on what this Congress should support in order to prevent students from advancing in our education system without the knowledge and skills appropriate for their grade level.

We should resolve to provide the resources necessary to assure that children are receiving quality education; we should resolve to support early intervention efforts for children who are at risk of ''Social Promotion'', and we should resolve that every child in America is provided an opportunity to learn what is necessary to progress on to the next grade.

Mr. RIGGS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from California (Mr. RIGGS) that the House suspend the rules and agree to the resolution, House Resolution 401, as amended.

The question was taken.

Mr. RIGGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. RIGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 401.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

Concurring in the Senate amendment to H.R. 1847, by the yeas and nays;

House Resolution 401, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

TELEMARKETING FRAUD PREVENTION ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 1847.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1847, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 1, not voting 21, as follows:

[Roll No. 232]

YEAS—411

Abercrombie	Bateman	Borski
Ackerman	Becerra	Boswell
Aderholt	Bentsen	Boucher
Allen	Bereuter	Boyd
Andrews	Berman	Brady (PA)
Archer	Berry	Brady (TX)
Armey	Bilbray	Brown (CA)
Bachus	Bilirakis	Brown (OH)
Baesler	Bishop	Bryant
Baker	Blagojevich	Bunning
Baldacci	Bliley	Burr
Barcia	Blumenauer	Burton
Barr	Blunt	Callahan
Barrett (NE)	Boehlert	Calvert
Barrett (WI)	Boehner	Camp
Bartlett	Bonilla	Campbell
Barton	Bonior	Canady
Bass	Bono	Cannon
Capps	Hamilton	Metcalf
Cardin	Hansen	Mica
Carson	Harman	Millender-McDonald
Castle	Hastert	Miller (CA)
Chabot	Hastings (WA)	Miller (FL)
Chambliss	Hayworth	Minge
Chenoweth	Hefley	Mink
Christensen	Hefner	Moakley
Clay	Herger	Mollohan
Clayton	Hill	Moran (KS)
Clement	Hilleary	Moran (VA)
Clyburn	Hinchey	Morella
Coble	Hinojosa	Murtha
Coburn	Hobson	Myrick
Collins	Hoekstra	Nadler
Combest	Holden	Neal
Condit	Hooley	Nethercutt
Conyers	Horn	Neumann
Cook	Hostettler	Ney
Cooksey	Houghton	Northup
Costello	Hoyer	Norwood
Cox	Hulshof	Nussle
Coyne	Hunter	Oberstar
Cramer	Hutchinson	Obey
Crane	Hyde	Olver
Crapo	Istook	Ortiz
Cummings	Jackson (IL)	Owens
Cunningham	Jackson-Lee (TX)	Oxley
Danner	Jefferson	Packard
Davis (FL)	Jenkins	Pallone
Davis (IL)	John	Pappas
Davis (VA)	Johnson (CT)	Parker
Deal	Johnson (WI)	Pascrell
DeFazio	Johnson, E. B.	Pastor
DeGette	Johnson, Sam	Paxon
Delahunt	Jones	Payne
DeLauro	Kaptur	Pease
DeLay	Kasich	Pelosi
Deutsch	Kelly	Peterson (MN)
Diaz-Balart	Kennedy (RI)	Peterson (PA)
Dickey	Kennelly	Petri
Dicks	Kildee	Pickering
Dingell	Kilpatrick	Pickett
Dixon	Kim	Pitts
Doggett	Kind (WI)	Pombo
Dooley	King (NY)	Pomeroy
Doolittle	Kingston	Porter
Doyle	Kleczka	Portman
Dreier	Klink	Poshard
Duncan	Klug	Price (NC)
Dunn	Knollenberg	Pryce (OH)
Edwards	Kolbe	Quinn
Ehlers	Kucinich	Radanovich
Ehrlich	LaFalce	Rahall
Emerson	LaHood	Ramstad
Engel	Lampson	Rangel
English	Lantos	Redmond
Ensign	Largent	Regula
Etheridge	Latham	Reyes
Evans	LaTourette	Riggs
Everett	Lazio	Riley
Ewing	Leach	Rivers
Farr	Lee	Rodriguez
Fattah	Levin	Roemer
Fawell	Lewis (KY)	Rogan
Fazio	Linder	Rogers
Filner	Lipinski	Rohrabacher
Foley	Livingston	Ros-Lehtinen
Forbes	LoBiondo	Rothman
Fossella	Lowey	Roukema
Fowler	Lucas	Roybal-Allard
Fox	Luther	Royce
Frank (MA)	Maloney (CT)	Ryun
Franks (NJ)	Maloney (NY)	Sabo
Frelinghuysen	Manton	Salmon
Frost	Manzullo	Sanchez
Furse	Markey	Sanders
Gallegly	Martinez	Sandlin
Ganske	Mascara	Sanford
Gejdenson	Matsui	Sawyer
Gekas	McCarthy (MO)	Saxton
Gephardt	McCarthy (NY)	Scarborough
Gibbons	McCollum	Schaefer, Dan
Gilchrest	McCrery	Schaffer, Bob
Gillmor	McDade	Scott
Gilman	McDermott	Sensenbrenner
Goode	McGovern	Serrano
Goodlatte	McHale	Sessions
Goodling	McHugh	Shadegg
Gordon	McInnis	Shaw
Goss	McIntosh	Shays
Graham	McIntyre	Sherman
Granger	McKeon	Shimkus
Green	McKinney	Shuster
Greenwood	Meehan	Sisisky
Gutierrez	Meek (FL)	Skaggs
Gutknecht	Meeks (NY)	Skeen
Hall (OH)	Menendez	Skelton
Hall (TX)		
Slaughter	Talent	Wamp
Smith (MI)	Tanner	Waters
Smith (NJ)	Tauscher	Watkins
Smith (OR)	Tauzin	Watt (NC)
Smith (TX)	Taylor (MS)	Watts (OK)
Smith, Adam	Taylor (NC)	Waxman
Snowbarger	Thomas	Weldon (FL)
Snyder	Thompson	Weldon (PA)
Solomon	Thornberry	Weller
Souder	Thune	Wexler
Spence	Thurman	Weygand
Spratt	Tierney	White
Stabenow	Torres	Whitfield
Stark	Towns	Wicker
Stearns	Traficant	Wise
Stenholm	Turner	Wolf
Stokes	Upton	Wynn
Strickland	Velazquez	Yates
Stump	Vento	Young (AK)
Stupak	Visclosky	Young (FL)
Sununu	Walsh	

NAYS—1

Paul

NOT VOTING—21

	Hastings (FL)	McNulty
Ballenger	Hilliard	Rush
Brown (FL)	Inglis	Schumer
Buyer	Kanjorski	Smith, Linda
Cubin	Kennedy (MA)	Tiahrt
Eshoo	Lewis (CA)	Woolsey
Ford	Lewis (GA)	
Gonzalez	Lofgren	

☐ 1732

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

SENSE OF THE HOUSE THAT SOCIAL PROMOTION IN AMERICA'S SCHOOLS SHOULD BE ENDED

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 401, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RIGGS) that the House suspend the rules and agree to the Resolution, House Resolution 401, as amended, on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 1, not voting 27, as follows:

[Roll No. 233]

YEAS—405

Abercrombie	Allen	Armey
Ackerman	Andrews	Bachus
Aderholt	Archer	Baesler

Baker
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Rivers

NOT VOTING—27

Ballenger
Brown (CA)
Brown (FL)
Buyer
Clayton
Cubin
DeGette
Edwards
Eshoo
Ford
Gonzalez
Hastings (FL)
Herger
Hilliard
Inglis
Kennedy (MA)
Lewis (CA)
Lewis (GA)
Lofgren
McNulty
Rush
Schumer
Smith, Linda
Souder
Tiahrt
Waters
Woolsey

☐ 1742

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FARR of California. Mr. Speaker, I was privileged to host the first National Ocean Conference in my district last week that featured the President and Vice President, Secretaries Daley, Babbitt, Slater, Dalton, EPA Administrator Browner, and CEQ Director McGinty, among others. As a result, I was unavoidably absent for rollcall votes 211 to 231, which I would like to be noted in the CONGRESSIONAL RECORD how I would have voted on each one had I been present.

Mr. Speaker, I will submit them for the RECORD.

Roll call vote.—211, yea; 212, yea; 213, yea; 214, yea; 215, yea; 216, nay; 217, nay; 218, nay; 219, yea; 220, yea; 221, nay; 222, nay; 223, yea; 224, yea; 225, nay; 226, nay; 227, yea; 228, nay; 229, nay; 230, yea; 231, yea.

PERSONAL EXPLANATION

Mr. SHAYS. Mr. Speaker, on Thursday, June 11, I was in Connecticut attending the graduation of my daughter, Jeramy Alice Shays, from high school and, therefore, missed three recorded votes.

First, I want to say I missed her 5th grade graduation and her 8th grade graduation, and I did not want to miss her senior graduation. It is the second, third and fourth votes I have ever missed, and I would like to say for the RECORD that had I been present I would have voted yes on recorded vote number 229, yes on recorded vote 230, and yes on recorded vote 231.

☐ 1745

REMOVAL OF MEMBER AS COSPONSOR TO H.R. 3396

Mr. QUINN. Mr. Speaker, I rise today to ask unanimous consent to have myself removed as cosponsor of H.R. 3396, the Citizens Protection Act of 1998.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New York?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO VETERAN CORRESPONDENT ALAN EMORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MCHUGH) is recognized for 5 minutes.

Mr. MCHUGH. Mr. Speaker, I come to the floor today to recognize the work and career of an extraordinary man, Watertown Daily Times reporter Alan Emory. Indeed, June 7 marked Alan's 51st year with Watertown (New York) Daily Times.

Alan has rightfully earned the recently bestowed title of Times senior Washington correspondent by serving 47 of his 51 years covering the Capital, covering all the stories, large and not so large, nearly one-half century of being a firsthand witness to the events of the day and, more importantly, reporting them accurately and intelligently and succinctly to thousands.

Alan went to Watertown with impressive academic credentials. He was educated at Phillips Exeter Academy, Harvard University, and the Columbia Graduate School of Journalism; and, to this day, his writings reflect his remarkable education and intellect. But for all of that, it was his talent and hard work that helped him prove himself to editor and publisher Mr. Harold B. Johnson.

It is amazing to me to think about how things have changed since Alan first arrived in Washington in 1951. He has covered the administrations of 10 presidents. He has covered our Nation's war and military deployments ever since the Korean Conflict.

Alan's length of service is an important achievement. However, it is the manner with which he has served these 51 years that is indeed most impressive.

I came to this town in 1992 and became the fourth Member of the House from New York's North Country area to be covered by Alan. For me, it was a real thrill, not the new office or duties of the town, even though that was all very exciting, but the opportunity to meet and work with this man.

Like so many others, I grew up learning about the inside operations of our Federal Government through Alan's writings. Later, as a member of the New York State Senate, I looked to Alan's insightful articles in the respected Empire State Report to help me better under the connection of politics and government between New York State and the Nation's Capital.

For someone like me, long a political junkie from northern New York, meeting Alan Emory was the literary equivalent of meeting Cal Ripken, a legend in their own time, legends who survive through a rare combination of talent, hard work, grace, and style.

But for all of his talent, all of his skills and charm, the thing I think I admire most about Alan has been his sense of place, that all-too-rare quality in a reporter who recognizes the difference between a news story and an op-ed piece, a man who has always understood that a news article must be about facts and that opinions are to be confined to other sections of the paper.

Not to say that Alan is without opinion, nor that he is unable to express them. To the contrary, his weekly column on politics in the Sunday paper always informs, instructs and impresses with deft insight. But Alan has always known how to expertly write each story and where to place it. It is a skill sadly few others possess today.

Happily, Alan will continue writing, will continue enlightening and informing but, hopefully, in a new way that will provide him and his wonderful bride and partner Nancy more time to enjoy their lives together, their family, their two sons Marc and John, and their daughter Katherine and their families. It is an opportunity they both richly, richly deserve.

And so, Mr. Speaker, it is with honor that I rise today to state for the RECORD the partial achievements of a very remarkable man, to thank Alan Emory for his 51 years of contributions, and, on a personal note, to say that, in my nearly 30 years in public life, I have never met a reporter or a man in whom I hold higher respect and admiration.

Thanks, Alan. You are the best.

Mr. DAVIS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. MCHUGH. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Speaker, I would like to associate myself with the remarks of my friend the gentleman from New York (Mr. MCHUGH).

Alan Emory currently resides in the 11th Congressional District, in Lake Barcroft, where he is a pillar of the community there. His respect reaches across regional lines in New York. He is a well-respected member of our community in Northern Virginia, where he and his wife and family has been active for a number of years.

His political commentaries I think have been viewed nationally. He is very well-respected, and I am going to miss him. I would join my colleagues in wishing him and Nancy the very best in years to come.

Mr. MCHUGH. Mr. Speaker, I thank the gentleman for his comments.

Truly, I think Alan is admired by so many that there are a number of Members who care to share in this experience.

Mr. Speaker, I include for the RECORD remarks by our colleague and friend the gentleman from New York (Mr. SOLOMON), who has some very, I think, insightful and kind words to say about this deserving man as well.

Unfortunately, Chairman SOLOMON is involved in a meeting upstairs. But he has sent his best and I know wants to have the CONGRESSIONAL RECORD show his admiration for a very special man.

Mr. SOLOMON. Mr. Speaker, I rise today to join my colleagues, including my neighbor, Congressman JOHN MCHUGH, to pay tribute to a true gentleman and veteran of the Washington Press Corps, Alan Emory. Alan is truly a dean of the Washington Press if ever there was one and is representative of the good old days of journalism when telling it like it is was the best measure of a journalist, not how much face time they can get as a talking head.

Mr. Speaker, you'd be hard pressed to find anyone in this town with more wisdom and experience in the ways and the means of Washington than Alan. And the best part is, he's covered it for 47 of his 51 years while working exclusively for the same paper called the Watertown Times from a small upstate city of Watertown, New York. That sort of time and devotion is a rarity in itself nowadays and the people who read that paper have been done a great service all of these years by Alan's clear, concise and fair reporting. It must be comforting to know that for all those generations, he provided the readership with a window into the Capitol that they otherwise would have gone without.

And I'm talking about an inside look that started before the outset of the Eisenhower Administration and has spanned across interviews with such American leaders as Nixon, Ford, Bush and Nancy Reagan, not to mention a host of other foreign dignitaries in travels with political leaders that have brought him to every corner of the world.

Some, Mr. Speaker, might think it odd in this day and age for members of Congress like myself to recognize a political journalist like Alan. However, I can tell you it is because of his objectivity and fairness that I respect him such a great deal. He has covered me over the course of my career on a variety of issues even though his paper doesn't reach a large part of my district. And he has always conducted himself in the most professional manner, including in his profile of me after I assumed the Chairmanship of the House Rules Committee. I've never had a problem with someone who sheds light on some of my shortcomings as long as they were just as vigorous in their coverage of ways in which I served my constituents well.

But perhaps most telling about Alan's career is his standing within the journalistic community and the Washington Press Corps. By their very nature, they're a tough lot to please. Still, Alan has managed to reach the leadership ranks of a whole host of press associations, including as President of the renowned Gridiron Club, and remains active to this day. I have always said one of the best measures of a person is his standing amongst his peers. By that measure, Mr. Speaker, Alan Emory goes unmatched.

I would ask that all members of Congress join in honoring the outstanding career and public service of one of this town's most respected newsmen, Alan Emory of the Watertown Times. After 51 years, 47 of them in Washington, he is still strong and exemplifies all that is good about his profession. And more than that, he is a clear demonstration to all of us that hard work can take you anywhere, even from a small daily in Upstate New York, to a one-man office in Washington, to the top of the ranks of his profession. Congratulations Alan, and many more years of success and happiness to you and your family.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON A BILL MAKING APPROPRIATIONS FOR MILITARY CONSTRUCTION, FAMILY HOUSING, BASE REALIGNMENT AND CLOSURE FOR DEPARTMENT OF DEFENSE FOR FISCAL YEAR 1999

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, Tuesday, June 16, 1998, to file a privileged report on a bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for fiscal year 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. All points of order are reserved on the bill.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON A BILL MAKING APPROPRIATIONS FOR ENERGY AND WATER DEVELOPMENT FOR FISCAL YEAR 1999

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, Tuesday, June 16, 1998, to file a privileged report on a bill making appropriations for energy and

water development for fiscal year 1999, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. All points of order are reserved on the bill.

CONGRATULATIONS TO CHICAGO BULLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to commend and congratulate some of the most outstanding citizens of my congressional district, namely, the Chicago Bulls basketball team.

I have the good fortune of representing the champions not only of the 7th Congressional District, but indeed the champions of the world. The world has never seen the magnificence of an athletic dynasty such as that displayed and put together by Jerry Reinsdorf, which is now the Chicago Bulls' 6th championship, a performance that has revitalized interest in basketball.

As a matter of fact, with due respect to all other sports, baseball, soccer, football, right now the United States of America is basketball country as a result of the Bulls' accomplishment and achievement.

But more than that, not only are they superstars on the basketball court, but they are also superstars in the community. The franchise has caused revitalization of an area of the City of Chicago. The James Jordan Boys' Club provides opportunity for young people to come and grow and develop, play and be nurtured.

Just recently, high school students from throughout my Congressional District had an opportunity to participate in our art competition at the United Center, where they could display their art and at the same time walk the same ground that Scottie Pippen, Michael Jordan, Dennis Rodman, Phil Jackson, all of the Bulls players, Randy Brown, a young fellow who was taught by my wife. When we watch him on television, we know that her teaching skills were vindicated.

So I commend and congratulate all of the Bulls for providing the United States of America and all of the world with a year never to be forgotten and always to be remembered.

And at the same time, Mr. Speaker, in the same community, in the same neighborhood, there is another superstar in town for the Jefferson awards, Major Adams, who, along with other Americans throughout the country, are being cited for their outstanding community services.

Major Adams has no peer when it comes to volunteerism. For the last 50 years he has been an active volunteer on the near West Side of Chicago, organizing the Henry Horner Boys Club, the Henry Horner Drum and Bugle Corps, the Mile Square Federation.

Now 76 years old, Mr. Adams is just as involved today as he was 25, 30 years ago. And so, on one hand, while we have the Bulls, a superstar team, on the other hand we have Major Adams, a superstar individual, humanitarian, who has brought countless years of joy and development into the hearts of thousands of young people and their family.

We commend and salute him.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. SOLOMON) is recognized for 5 minutes.

(Mr. SOLOMON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1800

TRIBUTE TO CORRESPONDENT ALAN EMORY ON HIS RETIREMENT

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentleman from New York (Mr. WALSH) is recognized for 5 minutes.

Mr. WALSH. Mr. Speaker, I would like to take a moment to add my praise to the lifetime's work of correspondent Alan Emory, whose life and service was addressed so eloquently by the gentleman from New York (Mr. MCHUGH). Mr. Emory is a reporter of humor, intelligence, talent, and, perhaps most important, longevity, 50 years of service.

While Alan is no doubt most thankful for the last of those qualities, I want to say the others have been invaluable to both readers and those of us who are written about in upstate New York.

It is often said that we in public life are adversaries of the Fourth Estate, that there must be a war footing of sorts between our two worlds, that there must be a sort of tension in order to bring about good performance all the way around. If that is true, Mr. Speaker, the best way to describe Alan's mission is a notable adversary, a friendly foe.

He has done justice to our institution in his reportage, mostly for the Watertown Times of New York. He has served readers, as I have mentioned, who depend on accuracy and insight of reliable news people. He has been a faithful advocate for his region, and his perspective will be missed by many of us.

I would like to thank the gentleman from New York (Mr. MCHUGH) for this opportunity and wish Alan Emory all the best in his retirement.

HABITAT FOR HUMANITY HOUSTON PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today for a great celebration and a tribute as well. This week in Houston, Texas, under the leadership of former President Jimmy Carter, 6,000 volunteers from around the Nation are participating in the 1998 Carter Work Project of the Habitat for Humanity resulting in 100 homes being built for the needy citizens of our community.

President Carter, before the building began, said, ''We are destined in Houston to see a miracle, one that we will never forget.'' I can assure my colleagues that he is now and will be when we conclude 100 percent correct.

I was delighted to be able to join the 6,000 volunteers at the George Brown Convention Center on Sunday in the 18th Congressional District where we were able to celebrate their visit, volunteers from Arizona, Indiana, California, Pennsylvania and so many other places around this Nation.

It was particularly a special time, because as many of my colleagues know, we have had some troubling times in Texas. Yes, we have had the tragedy that occurred in Jasper, Texas. I am so very pleased that that healing has begun. But yet the day after funeralizing Mr. Byrd and paying tribute to his life and to that of those who wanted to make sure that we live in harmony together, 6,000 Americans of all different colors and creeds and religions joined together to come and build a house. Their challenge was to build a house for the comfort and unity of a family and to bring a community together. I was delighted to join them on Sunday not only to celebrate but to uplift. For these 6,000 souls are like the Good Samaritan. They are not too busy to stop by the wayside and help someone.

The story of the Good Samaritan was that every single person that passed this battered and bruised person had something else to do, had somewhere else to go. But yet the Good Samaritan took his time and stopped. These 6,000 souls are like the Good Samaritan.

In Houston alone, with some 1.7 million residents, we have over 150,000 who are marginally homeless every night. We need housing. I was very gratified with volunteers who will come from my office throughout the week to have been able to join the volunteers yesterday on the first day and to work alongside of them in the sweltering heat, some 98 degrees, but none of us really felt it, for the joy of doing something for someone else.

We worked alongside the Gibson family, not unlike many families, Mr. and Mrs. Gibson with two children and one on the way. For the past few years they have lived in a small apartment in a dilapidated building, the whole while looking for ways that they could better their living situation. Like many families, they searched for options that would help them make a way and to also take their hard-earned money and to invest in something other than a landlord, paying rent. They wanted to own their own piece of the pie, if you

will, their own piece of this great Nation.

I am so very delighted that Wade and Shalina Gibson spent their time yesterday along with the rest of us bending and lifting and pulling and nailing and placing what we call styrofoam boards, the blue boards, and working alongside of so many different people.

I think their work answers the question, because I would not even want to address it but I have heard people say, is the Habitat for Humanity giving people something?

Mr. Speaker, first of all, I believe in giving to those who are in need. It is our challenge to help the least of our brothers and sisters. But let us set the record straight. Habitat for Humanity is a project where those who receive the benefits of this housing are right in there with the rest of them. They are there toiling and building and lifting. We in this Nation should not be so big that we cannot give to those who are in need. But in this instance the Gibson family and so many other families, the Beck family and so many that I could not call, were there working hard in order to ensure a better quality of life for their children.

Mr. Speaker, let me also thank the many corporate sponsors in my area. The Sakowitz area in the 18th Congressional District where I worked all day yesterday was an area that had been undeveloped and had been run down. How gratifying now that we will have homeowners with their own grass in the front yard and in the backyard, maybe a basketball court, the ability to go to the neighborhood park with their families, a community that will be developed and enriched because of their involvement. I want to thank those corporate sponsors for their support, and I want to thank this Nation and thank President Carter and the founders of Habitat for Humanity.

Mr. Speaker, let me simply say, it was the best thing that I have seen in a long, long while. It was the true spirit of America. It makes me proud to be an American. And, yes, Mr. Speaker, we began it on Flag Day. I hope that we will see many more opportunities like that.

I rise to acknowledge the miracles wrought by Habitat for Humanity in my district, throughout this week.

Through the efforts of Former-President Jimmy and Mrs. Cater, the Founders of Habitat for Humanity, and 6000 miracle-working volunteers, 100 homes will be built for needy families this week in the City of Houston. The volunteers come from places like Arizona, Indiana, California and Pennsylvania.

President Carter, before the building began, mentioned that we were ''destined in Houston to see a miracle, one that [we] will never forget''. He was 100% correct.

I witnessed one of those miracles. For the better part of the day, yesterday, I and a few friends worked on the soon-to-be-home of the Gibson Family.

The Gibson Family is not unlike many families in the City of Houston. They have two children, both girls, under the age of ten, and another on the way. For the past few years, they have lived in a small apartment in a dilapidated building, the whole while, looking for ways that they could better their living situation. Like many families, they searched for options that would keep them from having to send their hard-earned money to the landlord every month, knowing that they would never own a piece of that property. How pleased we were that they were able to be part of the Carter Project located on Sakcowitz Street in my 18th congressional district in Houston.

When Wade and Shalina Gibson heard about the possibility that they could own their own home, through Habitat for Humanity, they took all of the necessary steps to ensure their candidacy. Needless to say, they were ecstatic to receive the news that their application had been approved.

Unlike many of the underprivileged families in Houston, the Gibson Family got their chance to better their status through home-ownership. It would take a lot of elbow-grease and hard work, but they were more than happy to do it. They have worked hard for the opportunity to pay a mortgage instead of a rent bill. They have worked hard to own part of the American Dream. I was honored to work along side of them in helping to build their home. I will never be the same. I saw a miracle truly happening.

I worked along-side Wade and Shalina yesterday. Although the work was strenuous, especially under the hot sun, it was joyful and exhilarating. Shalina's passion for carpentry was particularly zealous, and occasionally, because she is pregnant, we had to force her to take short breaks. Colleagues, I hope that we can all adopt some of the Gibson work-ethic.

The Gibson home will be a modest one. However, it will be cherished, by the parents, by their children, and eventually, by their grandchildren.

You see, the Gibson home is a labor of love. Its foundation is poured from the concrete of community unity. Its walls are crafted by the goodwill and generosity of the human spirit. Its ceiling, and the ceiling for the Gibson Family, is limitless.

I congratulate them, and the 99 other families who will be receiving homes through the Habitat for Humanity Program this week. I congratulate President Carter, and his army of miracle-workers, for their fantastic efforts to bring hope to a community that desperately needs it.

I pledge my loyal support to Habitat for Humanity and the people that make it work—the volunteers. I ask that my colleagues do the same. These people truly embody the best of the human spirit, and I applaud their heroic efforts.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BOEHLERT) is recognized for 5 minutes.

(Mr. BOEHLERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

RETINAL DEGENERATIVE DISEASES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. The gift of sight, Mr. Speaker, is one of our most precious. For those of us who are fortunate to have healthy eyesight, we often fail to recognize that there are those who suffer from debilitating diseases that impair their vision and that oftentimes may lead to complete blindness.

Retinal degenerative diseases are a group of diseases that affect the eye's innermost layer. They are inherited, the hereditary pattern varying from family to family.

The most common forms of the diseases are macular degeneration, which is the leading cause of blindness among seniors, retinitis pigmentosa, and Usher's syndrome.

Retinitis pigmentosa is an inherited disease that is usually diagnosed at childhood and is characterized by an increasing loss of peripheral vision. Usher's syndrome is also inherited and is accompanied by varying degrees of deafness and the development of retinitis pigmentosa. Macular degeneration is thought to be caused by a combination of genetic and environmental factors and is characterized by a loss of central vision.

These diseases can be detected in routine eye exams; however, they are fairly difficult to diagnose in their early stages. Retinal degenerative diseases cause a loss of vision due to loss of light-sensing photoreceptor cells in the retina. They are responsible for the loss of sight of over 6 million Americans across our country. These diseases unfortunately have no treatment and no cure.

Last Wednesday, along with the Foundation Fighting Blindness and a very special family from my congressional district, the Lidsky family, we held a congressional briefing on retinal degenerative diseases. Three of the four Lidsky children, and they are the children of Carlos and Betty Lidsky, have been affected by retinal degenerative diseases. One of these wonderful children, Isaac, spoke at this briefing and detailed to us how he has been affected by this disease. Isaac, who aspires to be an attorney just like his father one day soon, has big dreams. One of them is to find a cure for this disease that is responsible for slowly taking away his eyesight.

Isaac and his sisters, Doria and Ilana, who also have this challenge, reminded us that this disease has overwhelming effects on the lives of those who are afflicted. He also reminded us about the bravery and the perseverance of the human spirit. He is not letting this disease conquer his dreams nor his hopes of someday very soon finding a cure.

My colleagues and I also had the opportunity to meet Patrick Leahy, a young 25-year-old Maryland native who works in the office of Senator FRED THOMPSON. Patrick is afflicted with Leibers, one of the forms of retinitis pigmentosa.

Regardless of the debilitating effects of these groups of diseases that Patrick and Isaac are afflicted with, they are both successful young men who make us proud of their accomplishments and of their unwavering optimism.

I would like to thank Isaac, Doria, Ilana, Patrick and all Americans who are dealing every day with these diseases. We want to offer them additional hope for a future in which we can soon eradicate retinal degenerative diseases.

Research scientists at the Foundation Fighting Blindness are making significant and exciting advances in the fight against retinal degenerative diseases. The most solid advances have been in the discovery of several new genes whose mutations cause retinal degenerations. These discoveries are critical, because they allow us to come closer to understanding the causes of these diseases and how one day doctors will be able to repair these genetic mutations.

There have been significant discoveries in the areas of molecular engineering and gene therapy. There have been significant advances made in the lab with vectors which are modified viruses that transport normal replacement genes into cells to help them function. This past year, there was significant improvement in the new generation of vectors which have the potential of being safer and more effective.

In the area of retinal transplantations, animals tested in labs with pigment cell transplantation proved that such procedures can effectively delay the degenerative process.

These tests must now be taken to the clinical trial level where we can find out their effectiveness on humans. This is why it is very critical to promote educational research.

Our prayers are with the Lidsky family and with all of those who are similarly affected.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 5 minutes.

(Mr. SCARBOROUGH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Washington (Mrs. LINDA SMITH) is recognized for 5 minutes.

(Mrs. LINDA SMITH of Washington addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

SPEAKER'S ACTION WITH RESPECT TO U.S. POLICY IN MIDDLE EAST COMES UNDER ATTACK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. OBEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. OBEY. Mr. Speaker, I have great reverence for this House and great respect for the office of the Speakership. It is, after all, the third highest office in the land, and despite partisan attachment, the Speaker, as the leader of the legislative branch of government, serves as a symbolic representative of every Member. The manner in which he fulfills that role reflects, like it or not, on all of us.

That is why I must express great regret about the recent action of Speaker GINGRICH with respect to U.S. policy in the Middle East. In my view, this represents the most reckless and destructive undermining of an American peace effort that I have ever seen.

Mr. Speaker, I have been closely involved with U.S. policy toward the Middle East since 1974, when I first began my service on the Subcommittee on Foreign Operations of the Committee on Appropriations. From 1984 until 1994, I chaired that subcommittee. I think it is fair to say that during that time, every effort by any American President to pull Arabs and Israel toward peace was supported on a bipartisan basis by our subcommittee and by the Congress as a whole.

When President Carter, at great political risk to himself, pressured both the Egyptian and Israeli Governments to reach an agreement at Camp David, the Congress supported his action. When President Reagan and Secretary Shultz withheld debt restructuring from Israel until its government adopted economic reforms that were a necessary precondition for bringing rampant inflation under control, the Congress supported that tough medicine in a bipartisan fashion, and that enabled us to provide some crucial help to stabilize Israel's economy.

When President Bush courageously withheld loan guarantees from Israel until Israeli policy on West Bank settlements no longer conflicted with long-standing American policy, those of us in positions of responsibility supported him, and the peace process moved forward.

The historic ceremony that celebrated the Oslo Accords reached between Mr. Arafat, representing the Palestinians, and Prime Minister Rabin, representing the State of Israel and hosted by President Clinton, would never have occurred if it had not been for President Bush's courage.

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Since that time the road to peace in the Middle East has been harmed because of foot dragging by the Syrian government, because of vicious terrorist activities by Palestinian extremists, the sometimes disingenuous actions of the Palestinian leadership and, most of all, because of the assassination of Prime Minister Rabin by a rabid anti-peace Israeli citizen. The collapse of that peace process would have grave implications for every party in the Middle East. It also would have grave consequences for the United States, for our security, for our world influence and even for the safety of our citizens at home and abroad.

Recognizing that fact after much patient hand holding with both sides, President Clinton, Secretary of State Madeleine Albright, Assistant Secretary Martin Indyk and our tireless Mideast negotiator, Ambassador Dennis Ross, presented to both sides their best assessment of what interim steps needed to be taken to keep the peace process from collapsing. At that point the Speaker of this House took a number of actions, the result of which clearly undercut and undermined U.S. peace making efforts in the region and raised the risk of catastrophe.

First, the Speaker described America's Secretary of State as being an agent of the Palestinians in negotiations. He then attacked President Clinton for turning America into a bully in the peace process because the President, acting as an honest broker between the parties, has courageously and frankly spelled out to both sides the best assessment by our negotiators of what minimum actions would be required to keep the Oslo process alive.

The United States is not today and has never been a bully in the Middle East process. Quite the contrary. It has been an incredibly generous benefactor. The United States has provided Israel with $75 billion in direct U.S. assistance and $10 billion in loan guarantees. Sixty-five billion dollars of that has been provided since 1977, and those numbers do not count various other packages of assistance that this Congress has provided through less direct and less obvious means. Under President Clinton alone Israel has received $18.7 billion in direct aid and $8 billion in loan guarantees plus a number of additional valuable items. For that kind of money the President has not just the right, but an obligation, to provide leadership toward a peace settlement especially when we have been invited by both sides to do so.

Now a letter from the Speaker alleges that the administration's, quote, strong-arm tactics send a clear symbol to supporters of terrorism that the murderous actions are an effective tool in forcing concessions from Israel, end quote. In my view that kind of rhetoric completely ignores the facts and in my view is the worst kind of excess. President Clinton's record in fighting terrorism is exquisitely clear, strong and consistent, especially in the Mideast. In 1996, after a horrible series of attacks in March, President Clinton traveled to Israel and along with 20 other world leaders vowed to renew the fight

against terrorism and pledged an additional $100 million to assist in that effort. To make matters worse, after the Speaker wrote his letter, he then traveled to Israel and gave Israeli leaders the clear message that in any disagreement between the Clinton administration and the Israeli government that they and not the President could count on the Congress.

Mr. Speaker, the Logan Act provides as follows:

Quote: Any citizen of the United States who carries on any intercourse with any foreign government with intent to influence its measure of conduct in relation to any dispute or controversies with the United States shall be fined or imprisoned not more than 3 years or both.

I will not suggest that the Speaker violated the Logan Act by imposing U.S. policy in conversations with the leaders of other governments, although he, in fact, years ago did accuse a previous Speaker, Speaker Wright, myself and a number of others of doing so. What raised Mr. GINGRICH's ire at the time was a much more limited action which consisted of our simply writing a letter to the then President of Nicaragua. In the letter we indicated that even though we were publicly known to be opponents of U.S. military aid to the Contras we nonetheless urged him to support the principle of open and fair elections in his country, and when he did, by the way, he was voted out of office.

No, I will not accuse the Speaker of that action although there is one clear difference between our actions and that case and the actions of the Speaker in this one. Our letter asks Mr. Ortega to do something that was fully consistent with U.S. policy, to support such elections. In contrast, Speaker GINGRICH's counsel to Israel was to feel free to resist U.S. policy.

When Mr. GINGRICH was attacking Mr. Wright, he told the House during the course of debate, quote, it is not the business of the legislative branch to be engaged in negotiations with foreign leaders, to be talking directly with people as though they were the executive branch. The history is clear over and over that that is precisely what they, the Founding Fathers, were terrified of because of the Articles of Confederation, end quote.

It should be noted that the letter that Mr. GINGRICH attempted to bring into question was consistent with this Nation's foreign policy not only with respect to what it requested of Nicaragua, but also with respect to other comments which it might have contained but did not. Unlike the Speaker's present actions, our letter made no criticism of any U.S. official, diplomat or negotiator representing our Government in the region. It certainly contained no offer or indication that the Congress, acting separately from the executive, would respond with any assistance or other incentive if its separate policy conditions were met. By contrast, Mr. GINGRICH is openly critical of the offers made and the positions taken by those whose responsibility it is to negotiate on behalf of the United States. He has virtually invited a foreign government not to take the deal that his own government has offered. His actions undercut the ability of the Secretary of State to pursue peace in the region.

Mr. Speaker, the actions and utterances of Speaker GINGRICH can produce downright dangerous results. If any of us contribute to the illusion that there can be any long term security for Israel or anyone else with interests in the region so long as there is no progress on the peace front, we invite tragedy.

As Tom Friedman, the respected Pulitzer Prize winning columnist from the New York Times, said recently, quote, believe it or not, there is still a Middle East. Out there pressure is mounting to bring Iraq back into the Arab fold. Saudi Arabia is trying to organize an Arab conference. It would probably freeze Israel-Arab relations as long as the peace process is frozen. The Hamas leader, Sheik Yassin, has just completed a triumphant money-raising tour of Arab capitals as part of his goal to wipe out Yasser Arafat, and then Israel, and Jordan is terrified that Mr. Netanyahu is going to reject the U.S. plan and make it impossible for Jordan to sustain its relationship with Israel. Mr. Friedman then goes on to say, we have seen this sort of pro-Israel muscle beach party before where everyone thinks that the only reality is U.S.-Israel politics and that everyone else is a paper tiger. It was 15 years ago when on May 17, 1983, the Reagan team in Israel's Likud government crammed down the throats of the Lebanese an unbalanced, totally pro-Israel plan for the withdrawal of most, but not all, Israeli troops from Lebanon. But the May 17th agreement was never implemented. The U.S. marine compound in Beirut was blown up 5 months after it was signed, and both the marines and Israel had to pull out of central Lebanon unilaterally at great cost and leaving an enormous mess.

Now, Mr. Speaker, both the Arab world and Israel have lost great leaders, have literally given their lives for peace. I remember talking to President Sadat in Egypt shortly after Camp David. In a long conversation I asked him if he thought that the new agreement at Camp David represented a separate peace between Israel and Egypt or whether it would be the first step in a comprehensive peace process that would address the Palestinian problem. I do not know, he replied, but if it is not the latter, I will be dead within 5 years. And he was.

The last time I saw Yitzhak Rabin, whom I had grown to love and respect over 20 years, he asked me two things. The first was to do my best to keep Congress from interjecting itself into relations between the executive branches of our two governments. He felt strongly, going back to the time of his negotiations with President Nixon, that negotiations should be between the two executives. The second was to prevent well meaning but misguided friends of Israel in the Congress from taking actions that would prevent the U.S. Government from dealing directly with the PLO. ''If you cannot deal with them,'' he said, ''you lose your unique position as the only party in the world who can serve as an honest broker in our neighborhood, and if you cannot deal with the PLO, then there is only Hamas, the extremist militant rejectionists, and that would be disaster.''

Shortly thereafter the gentleman from Indiana (Mr. HAMILTON), the ranking Democrat on the House Committee on International Relations, was exploring opportunities to obtain a unanimous consent agreement on the House floor to bring up legislation that would have renewed the authority for the U.S. Government to deal with the PLO. It was made clear by a junior Member on the Republican side of the aisle that an objection would be lodged if that request were offered. At that point I approached Mr. GINGRICH on the House floor, and I said, ''Newt, please. You can't let this happen. It will make it harder for Rabin to move the peace process forward.''

He looked at me and said, ''Dave, you have to understand. I am Likud.''

Shortly thereafter Rabin was assassinated. After that, the objections disappeared, and the legislation was passed, and some of the same politicians who on this floor blocked action before Rabin died scrambled to then climb on board after he died, and their action brought to mind, at least to me, Will Rogers' observation that nothing is quite as pitiful as the sight of a flock of politicians in full flight from their own responsibility.

Mr. Speaker, there are human lives on the line. Our taxpayers have invested countless billions and a major portion of our total storehouse of foreign-policy resources, military, economic, diplomatic toward the goal of preventing future wars in this region and alleviating the tensions that result on an almost weekly basis in deaths from terrorism and organized military action. At this particular moment that investment is seriously at risk. The last thing the United States needs is a loose cannon rummaging around the Middle East making an uncoordinated and unauthorized representation of U.S. policy or legislative policy. Mr. GINGRICH on this issue does not speak for the U.S. Government, he does not speak for the State Department, he does not speak for the United States Senate, and he does not speak for this House. He is certainly entitled to voice his views on foreign policy publicly, even if they are contrary to the policy of the U.S. Government. The Constitution gives every American, including Members of Congress, the right to be wrong. It even gives them the right to make fools of themselves.

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However, Mr. Speaker, the Speaker of this House is not entitled to act unilaterally as an independent emissary representing his own personal foreign policy; he is not entitled to act like the Secretary of State in waiting. I would like to continue to believe that he is not putting domestic politics above the national interest.

Mr. Speaker, as Pat Holt, writing for the Christian Science Monitor wrote last week, quote, ''One of the so far unsurmountable difficulties is that neither most Jews nor most Palestinians are willing to admit that the other side has always suffered legitimate grievances. If either group could see their dispute through the eyes of each other, the peace process would take a giant leap forward.''

Instead, in my view, the Speaker's actions are likely to make that leap more difficult.

Mr. Speaker, U.S. Presidents have consistently exerted pressure on Israel as a friend and ally in the context of obtaining diplomatic solutions to complex problems. In 1973 under President Nixon, the United States threatened to reassess Israeli relations in order to secure withdrawals in the 1973 war. President Carter exercised his influence over Menachem Begin at Camp David to grant concessions on giving the Sinai Peninsula back to Egypt. He also exercised his influence over Anwar Sadat to not insist on concessions beyond Camp David to the Palestinians. Both of those actions were necessary to move the process forward. President Bush took a courageous stand in 1991 to withhold support for U.S. loan guarantees to Israel until understandings on Israeli settlements were reached.

These were all tough actions taken by U.S. leaders to help a friend, and Israel is a friend, while at the same time protecting U.S. national interests. What the Speaker has done, in my view, is to make it more difficult for Israel to make tough decisions that it needs to think through and make for their own long-term interests.

That is no doubt why the column written about this episode by Thomas Friedman in The New York Times was headlined, ''Brainless in Gaza.'' It is also probably why Richard Cohen of the Washington Post wrote, quote, ''Whatever the case, the Speaker is playing with fire. Netanyahu is a notoriously unpredictable fellow who vacillates between accommodating the Palestinians and rebuffing them. He has an inflated view of his standing in Congress. (The Israeli press quoted him as vowing to 'burn down Washington' if Clinton publicly blamed him for scuttling the peace process), which GINGRICH has done precious little to correct. His political allies are some of the most reactionary and fanatical elements in Israeli society, zealots who want land more than peace. They know what God intends. Others, though, are less sure. In fact, a good many Israelis think there will be no security until Israel and the Palestinians reach an agreement about land. GINGRICH has now complicated that process, encouraging Netanyahu in his intransigence and Arab radicals in their bitterness.''

Mr. Speaker, I would add parenthetically, it also makes it easier for cynical Palestinian rejectionists to undercut any willingness displayed by the PLO leadership to live up to their promises.

Richard Cohen then concluded his column as follows: Quote, ''If the Nobel Committee gives a booby prize for peace, this year's winner is a foregone conclusion. NEWT, take a bow.''

Mr. Speaker, the world's Jews and Israelis in particular have paid a terrible price for the world's intermittent fits of insanity. Israel would not have been created without the actions of the United States 50 years ago in trying to create a place that would be a sanctuary for that insanity.

Because we helped create the State of Israel, we have a special obligation to stand by it and to assure its survival. But with that obligation comes a concurrent obligation to be frank and truthful with them and the world about what steps we believe are necessary to change the Middle East into a neighborhood that is safer for Israel's survival. For any American President to be silent in the face of Israeli indecision or miscalculation would be the ultimate failure of friendship. The President and our negotiators, who long ago have demonstrated their concern for Israel's future, have courageously recognized that.

Now, ultimately, the hard decisions that need to be made are Israeli and Palestinian decisions. The President and our negotiators have long ago demonstrated that they understand that too. Let them make those decisions in honest dialogue in partnership with the steady and knowledgeable American hands who have worked with them under Republican and Democratic administrations alike. Let them not be misled by new-to-the-scene kibitzers in Congress who, despite their bravado, do not really know the territory or the sensitivities and cross-currents and intricacies that shape it.

It may be popular for individual Members of Congress to issue pronouncements that tell our friends at home and abroad what they want to hear, but that is not what dangerous situations require. They require thoughtful, measured and judicious cooperation between the executive and legislative branches of government. That, unfortunately, has not been forthcoming from this congressional leadership on this issue. It is about time that it is.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2646, THE EDUCATION SAVINGS AND SCHOOL EXCELLENCE ACT OF 1998

Mr. HASTINGS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–579) on the resolution (H. Res. 471) waiving points of order against the conference report to accompany the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3097, THE TAX CODE TERMINATION ACT OF 1998

Mr. HASTINGS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–580) on the resolution (H. Res. 472) providing for consideration of the bill (H.R. 3097) to terminate the Internal Revenue Code of 1986, which was referred to the House Calendar and ordered to be printed.

NUCLEAR TESTS NOT A PRODUCT OF KASHMIR

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to voice my concern over efforts to link Kashmir to the underground nuclear tests conducted by India and Pakistan.

As my colleagues know, India and Pakistan conducted nuclear tests last month. The United States condemned the tests and immediately imposed economic sanctions on both countries. The United States has called for both India and Pakistan to stop further nuclear tests, not to weaponize their nuclear arsenal, sign nonproliferation treaties, and work towards easing tensions in South Asia. These are goals that I fully support.

However, there seems to be a growing movement to link Kashmir to the nuclear tests, a linkage which makes no sense, in my opinion.

Earlier this week, Secretary of State Madeleine Albright stated that the ''recent decisions by India and Pakistan to conduct nuclear tests reflect old thinking about national greatness and old fears stemming from a boundary dispute that goes back more than 5 decades.''

In the Senate, there has been talk of a resolution that would call for U.N. mediation in Kashmir through a U.N. Security Council resolution. The resolution would also ask the United

States representative at the U.N. to hold talks with both Pakistani and Indian diplomats at the U.N.

Mr. Speaker, I believe that third-party mediation with regard to Kashmir would be counterproductive. The conflict in Kashmir is 50 years old. It has plagued the 2 countries long before they developed their nuclear programs. Interference by the United Nations, the United States or any other country would not help. In fact, the 2 countries agreed to bilateral resolution of Kashmir, among other issues, through the similar accords that they signed in 1972.

The State Department has a long-standing policy that India and Pakistan must resolve the Kashmir issue directly, and I do not want this to change.

I was happy to read that the Indian Government earlier this week said that it would pursue efforts for a broad-based and sustained dialogue with Pakistan, and I would say that positive steps such as the resumption of talks between India and Pakistan can only help resolve this volatile issue. But as I have said previously, the nuclear tests were not a product of Kashmir. Instead, I would argue that the growing military and nuclear relationship between Pakistan and China pushed India to conduct these tests. Just one week after Pakistan conducted its nuclear tests, U.S. intelligence agencies boarded a Chinese ship carrying weapons materials and electronics destined for Pakistan. This ship was carrying arms materials that included special metals and electronics for the production of Chinese-designed anti-tank missiles made by Pakistan's A.Q. Khan Research Laboratories.

Mr. Speaker, China's ballistic missile relationship with Pakistan has prompted more international concern than China's missile trade with any other country. The director of the CIA stated that ''The Chinese provided a tremendous variety of assistance to both Iran's and Pakistan's ballistic missile programs.''

It has been reported that China has been working with Pakistan in the sales of M–11 missiles and related technology and equipment since the late 1980s. Earlier this year, Pakistan successfully tested the Ghauri missile. This missile has a range of 1,500 kilometers, and it is believed that the Chinese may have had a role in its development. The Ghauri missile can be fitted with a nuclear device.

Last week, President Clinton stated that China must play an important role in resolving tensions between India and Pakistan. He stated that China must help ''forge a common strategy for moving India and Pakistan back from the nuclear arms race.''

Now, I have to say that I applaud the President and the Clinton administration and my colleagues' desire to reduce tensions and bring peace to South Asia in response to the nuclear tests. However, and I stress, that asking China to play a major role as mediator in general makes no sense, given their role in Pakistan's nuclear development. I would suggest instead that the United States needs to continue a bilateral dialogue with the Indian Government and encourage the Indian Government to move away from nuclear proliferation. We, that is the United States, we are in the best position to work with the Indian Government ourselves to achieve this goal.

ILLNESSES AFFECTING GULF WAR VETERANS AND CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Connecticut (Mr. SHAYS) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHAYS. Mr. Speaker, I would like to address the Chamber, and I, for the benefit of those who follow, I suspect that I will be about 20 minutes. I will not be using my full hour.

I would like to talk about 2 issues. I would like to talk about the problem that our Gulf War veterans faced when they returned home, and I would also like to touch as well on the whole issue of reform, campaign finance reform, and other reforms that this chamber has sought to deal with.

Mr. Speaker, I have the incredible opportunity of chairing the Subcommittee on Human Resources which oversees the Departments of HHS, Labor, Education, Veterans Affairs, and Housing and Urban Development, HUD. In my capacity as chairman, we have looked at the issue of Gulf War illnesses and have had 13 hearings in the last 3½ years. We have called in the Department of Veterans Affairs, we have called in the Department of Defense, we have called in the CIA, to try to get a handle on the problems that our Gulf War veterans have faced when they returned home. Out of the 700,000 that have returned, almost 100,000 have had some types of physical problems to deal with and have sought to have their illnesses be dealt with by the Department of Veterans Affairs.

The bottom line to our investigation is that we want our troops properly diagnosed, effectively treated, and fairly compensated, and to this point, we do not feel that this has happened.

Our investigation found that a combination of exposures were most likely the cause of illnesses, and these exposures are chemical and biological warfare agents, experimental drugs and vaccines, pesticides, leaded diesel fuel, depleted uranium, oil well fires, contaminated water, and parasites as well. Sadly, our Federal Government has not listened to our veterans. Our Federal Government has had a tin ear, a very cold heart, and an extremely closed mind.

When we completed the 11 of our 13 hearings, we issued a major report and had a number of findings, 18 in total. We determined that the VA and the Pentagon did not properly listen to sick Gulf War veterans in terms of the possible causes of their illness. We believe exposure to toxic agents in the Gulf War contributed to veterans' illnesses.

We believe there is no credible evidence that stress or Post Traumatic Stress Disorder caused the illnesses reported by many Gulf War veterans. Among the 18 recommendations in our report was that Congress should enact legislation establishing the presumption that veterans were exposed to hazardous materials known to have been present in the Gulf War theater.

☐ 1845

That the FDA should not grant a waiver of informed consent requirements allowing the Pentagon to use experimental or investigational drugs unless the President signs off and approves. These were just a few of our recommendations.

Believe it or not, Mr. Speaker, our troops were ordered to take an experimental drug referred to as PB. This was a drug that was intended to ward off the degeneration of the nervous system and our troops were being required to take this drug as a prophylactic to protect them from any possible chemical or biological agents. It was used, in other words, as an experimental drug to do something it was not designed to do. Our troops did not have the option to decide whether or not to do this. They were under order. If they did not live by their order, they would be prosecuted by the military.

We have come forward now with three bills to deal with not just the use of experimental drugs but also to deal with the potential of chemical and biological warfare agent exposure, to deal with pesticides, to deal with leaded diesel fuel, to deal with depleted uranium.

Depleted uranium is the material that is used to protect our military equipment, our tanks and our armored vehicles. It is a very hard substance. It is in fact depleted uranium. It is also used as the shell, as the projectile to penetrate armored vehicles. When there is penetration of an armored vehicle, the projectile disintegrates into powder and this is depleted uranium.

Mr. Speaker, we had our soldiers who were not told about the dangers of depleted uranium. Some of them went in actual tanks that had been destroyed to witness the carnage firsthand and to take souvenirs. In fact, they exposed themselves to depleted uranium.

Their exposure to oil well fires is well documented. Contaminated water, parasites and pesticides. But they were also exposed to defensive use of chemicals.

When we had our hearing and had the Department of Defense and the VA come before us, we were told that our troops were not exposed to any offensive use of chemicals. The word ''offensive'' is important because at the time that the DOD and the CIA told us this,

they knew that our troops were exposed to defensive use of chemicals and potential biological agents. They knew this because they knew of Khamisiyah which was a Iraqi depot that our troops blew up not by bombs from planes and rockets from planes, but by actually coming and destroying these facilities by setting charges.

We had set a hearing on a Tuesday. The Tuesday hearing was going to expose the fact that our troops were exposed in Khamisiyah. So our Department of Defense announced that they would hold a press conference on Friday at 4 o'clock in which they announced that our troops may have been exposed to the defensive use of chemicals in Khamisiyah. This was a press conference called at 12 o'clock for 4 o'clock on a Friday to frankly disclose this information before it would be disclosed at a hearing that we had on Tuesday. The reason why it was disclosed is that we actually had pictures of the chemicals before they were blown up.

At first, the Department of Defense said that possibly 500 of our soldiers were exposed. They jumped that to 1,000, then they jumped it to 5,000, and then jumped that to 10,000 and then 20,000 because the plumes went well beyond the original range that they had discussed when they originally disclosed that our troops were exposed.

So we had our troops exposed to defensive chemical warfare agents. They were ordered, all 700,000, to take an experimental drug and vaccines as well. They were exposed to pesticides, leaded diesel fuel, depleted uranium, well-oil fires, contaminated water, parasites. And when our soldiers came to talk about their maladies, they were told it was all in their mind.

Well, Mr. Speaker, I think we are beyond that point. We are at the point now in which I would like to talk about three bills. One bill introduced by the gentleman from Massachusetts (Mr. KENNEDY) reflects the recommendation of our committee that an agency other than the Department of Defense or VA should control Gulf War research agenda.

One of our recommendations was the DOD and the VA had been part of the problem and they should not control the research agenda, because basically they had put no faith in any of the potential sources of Gulf War illnesses and had been very reluctant, for instance, to have any research done on chemical exposure until just recently.

Their premise was that if our troops did not basically drop dead on the spot, they were not exposed to chemicals. They did not accept the fact that low-level exposure to chemicals could ultimately lead to sickness and death. So our committee supports the proposal by the gentleman from Massachusetts to take the research from the Department of Defense and the VA.

Last week our subcommittee introduced two other bills to implement our report. The first is the Persian Gulf War Veterans Act of 1998, H.R. 4036. This would establish in law the presumption of service connection for illness associated with exposure to toxins present in the war theater.

The Secretary of Veterans Affairs, VA, would be required to accept the findings of an independent scientific body as to the illnesses linked with actual and presumed toxic exposures by establishing a rebuttable presumption of exposure and the presumption of service connection for exposure effects. The bill places the burden of proof where it belongs, on the VA, not on the sick veterans.

The bill would also require the VA to commission an independent scientific panel to conduct ongoing health surveillance among Gulf War veterans. We basically put the burden of proof on the government to prove that a veteran who is in fact sick, no one disputes that, was sick due to their illness in the Gulf War theater. The presumption is with the veteran. The Department of Veterans Affairs would have to prove that this veteran was sick for some other reason. If they cannot prove it, the presumption is with the veteran.

The second bill, the Drugs and Informed Consent Armed Forces Protection Act of 1998, H.R. 4035, would amend the Federal Food, Drug, and Cosmetic Act to require presidential concurrence in any Department of Defense, DOD, request for a waiver of informed consent in connection with the administration of an investigational or experimental drug to members of the Armed Forces.

The bill would also amend a section of last year's defense authorization bill to require DOD to provide detailed written information about investigational or experimental drugs to U.S. forces before being administered. The current provision allows DOD to require use of any investigation or experimental drug and only provide basic information such as the name of the drug, reason for use, side effects, and drug interactions within 30 days after initial administration, which by the way the DOD did not do.

The DOD gave 700,000 of our troops, with the consent of the FDA, an experimental drug that may in fact have caused serious illness with our soldiers. They were ordered to take this drug. They were not told of the dangers and the DOD did not keep records as to who took this drug and did not make any examinations afterwards to determine the effect of this drug.

So we would require the President of the United States of America to sign off if our troops were forced to take a particular drug that was, in fact, experimental.

Mr. Speaker, I just would conclude my comments to say again that what we support our troops being properly diagnosed, effectively treated, and fairly compensated for their Gulf War illnesses. We would hope and pray that this House would take action on the three bills that I described: The one presented by the gentleman from Massachusetts (Mr. KENNEDY) that would take the research away from the DOD and VA, which has been part of the problem, and give it to another agency; that we would require the President to sign off on any experimental drug being administered to our troops under order; and that we would place the presumption of illness with the veteran and force the VA to do its job in proving that it was not an illness caused in the Gulf War theater.

CAMPAIGN FINANCE REFORM

Mr. Speaker, I am not sure I have a very good transition to my next issue, but I would like to briefly talk about campaign finance reform and to say that this is an issue that the House of Representatives has put off dealing with for the 11 years that I have been in this Chamber. In an effective way, we have not had a fair and open debate.

It was my expectation that this House, this Republican Congress of the 1994 election, this first Republican Congress elected in 1994, taking power in 1995, would deal with a number of reform issues.

Praise the Lord, we dealt with congressional accountability. We require Congress to live under all the laws that we impose on the rest of the Nation. We did that under our rule, under our leadership, but we did it on a bipartisan basis. Republicans and Democrats working together passed congressional accountability.

Now Congress comes under all the laws it exempted itself from for so many years. The civil rights laws that we were not under. The OSHA laws, Occupational Safety and Health Act. The various laws that require us to have a safe working place. The sexual harassment laws that Members of Congress were not under with its employees. The 40-hour work week with time-and-a-half over 40 hours.

We exempted ourselves from all of those acts that we imposed on the rest of the Nation. But now we are under them, and we should be. Congratulations to Congress and the Republicans and Democrats on both sides of the aisle for making sure that happened. That was a true reform.

We also passed a gift ban that basically says Members of Congress cannot accept gifts. Maybe a hat, maybe a certificate, a book. We can accept that. But the meals, the wining and dining, the various expensive gifts that Members were given that could go up to $100 and $250 cumulative, we banned them. That was done under a Republican Congress, but on a bipartisan basis. It did not happen years ago. The ban took place after the 1994 election, but on a bipartisan basis.

For the first time since 1946, we passed lobby disclosure. Now we know there are far more individuals who lobby Congress who are now having to register than in the past. We have over 10,000 that have to register. Before it was literally 1,000 or 2,000.

We have many people who are lobbyists and that is part of the law and part

of the process. But now they have to register and disclose information as to how much they spend and the contacts they make and who they try to influence and why they are trying to influence it. It is a disclosure that makes sense and it happened under this Congress, a Republican Congress, but on a bipartisan basis.

Mr. Speaker, the one issue we failed to deal with in the last Congress was campaign finance reform. We failed to deal with it. We dealt with three issues: Congressional accountability, the gift ban, and lobby disclosure on a bipartisan basis, and we did it. But campaign finance reform remains to be dealt with in a fair and open process.

It was the expectation of many of us that while we would not do it with the last Congress, that we would do with it the next Congress, the 105th Congress, the Congress that took over in the beginning of last year in 1997. It was our hope and expectation that Republicans and Democrats on a bipartisan basis would want to deal with campaign finance reform.

There was a lot of debate and dialogue on the bipartisan and historic budget agreement and many of us did not push campaign finance reform because we felt that was the issue that we first needed to deal with. But by the fall, it became clear to us that we could in fact deal with this issue and that leadership did not want to.

There was a petition drive. There was an effort on the part of Republicans and Democrats to get this Republican Congress to deal with campaign finance reform and a promise that we would deal with it in February or at the latest March.

Obviously, Mr. Speaker, that has not happened. We did not have a debate in February. And towards the last week in March, it was clear that leadership did not want to deal with an amendment, a major bill, the McCain-Feingold legislation that was in the Senate and referred to in the House as Shays-Meehan or Meehan-Shays.

□ 1900

This bill bans all soft money. Soft money is the unlimited sums that individuals, corporations, labor unions, and other interest groups can give to the political parties which was supposed to be used for party building and registration. But elected officials and party officials found ways to just bring it right back to individual candidates and circumvent the campaign law.

A second issue, besides banning soft money, and we would in fact ban it all, money that goes to the Democratic Party and money that goes to the Republican Party, because it has been an abused system that has simply allowed unlimited sums from individuals, corporations, and labor unions to go to your individual candidates. We would recognize that the sham issue ads are truly campaign issue ads, are campaign ads and treat them as campaign ads.

We do not take away anyone's right to speak. We do not do that. We just say that if they are campaign ads, they be treated as campaign ads and come under the campaign laws, which means people have a voice, but they have a voice that requires that there be disclosure; and that, while they are not limited on what they can spend, they do follow the limitations of what they can raise, as all campaign law has. We cannot limit what can be spent. We can limit what can be raised. We, in fact, do that under the Constitution.

We require that if an individual candidate is referred to by picture or name 60 days prior to an election in a sham issue ad, it is to be called a campaign ad and come under the campaign laws.

We also use the 9th Circuit Court, the unambiguous, unmistakable support or opposition for a clearly identified candidate as a campaign ad, and that would go through 365 days a year. We codify the Beck decision, which means this, that if you are not a member of the union and you pay an agency fee, you do not have to have in your agency fee to the union money that goes for political purposes. That is what the Beck decision determined.

They did not determine that union members could be exempt from a political payment to the union for political activities, rather, they determined that if you were not a member of the union, you did not have to have your agency fee go for political activity.

My wife does not like me bringing this up because she does not like me bringing her up as an example in anything, but I will say, notwithstanding her objection, that she, in fact, has experienced this process of the Beck decision; and that is that, as a public schoolteacher, she did not choose to have her union dues go to support a gubernatorial candidate she did not support, who happened in this case to be a Democrat.

When she complained to her union, she was told the only way that her money could not go would be that she could not be a member of the union. If she paid an agency fee, they would make sure they subtracted the amount of the political payment.

So in fact she is not a member of the union anymore. She has taken advantage of the Beck decision, and she does not have to make any political payment to a candidate she does not choose to support.

In our bill, we improve the FEC disclosure and enforcement. We require disclosure within 48 hours of a major contribution and that the FEC put it on the Internet within 24 hours. We strengthen FEC disclosure and also enforcement.

We allow the FEC to speed up the process to eliminate a frivolous complaint. We also allow them to speed up the process to take action on a complaint that is not frivolous. We also say that wealthy candidates can contribute $50,000 or less. But if they contribute more, then they cannot expect support from their own political parties to augment the $50,000 they put into it. So if they contribute $49,000, the parties can contribute up to $61,000, but not if they contribute more.

We ban franking mail, unsolicited franking mail throughout the district 6 months to an election. Then we also make clear foreign money and fund-raising on government property is illegal. Believe it or not, the Vice President of the United States was right. There was no controlling authority for raising soft money from a government building.

It is not illegal to accept money from a foreigner if it is not campaign money. Soft money is not defined as campaign money. It is not campaign money. If it were campaign money, it would come under the campaign laws. It would have limits placed on it. There are no limits.

So we need to correct an abuse that, clearly, the spirit of the law was broken, but the law was not broken, which allows me to make one point that I think needs to be made time and again.

The big failing, in my judgment, with Republicans is that we are not willing to take up campaign finance reform. We are willing to investigate wrongdoing of the President and the administration, as we should, but we do not want to take up campaign finance reform.

The Democrats, on the other hand, are willing to take up campaign finance reform, as they should, but are not willing to hold the President accountable for the actions that his administration should be held accountable for.

When Democrats investigated the Nixon administration, they did not say that the President of the United States has broken the law; therefore, we do not need to reform the system. They said the President of the United States has broken the law and should be held accountable, and we need to reform the system.

I have a gigantic regret that Republicans have not made the same argument today. I believe the President of the United States, his administration, has broken the law and should be held accountable. I also believe we need to reform the system.

The foreign money and fund-raising on government property is a case in point. We know what the spirit of the law is, but we also know that soft money is not considered campaign money. It does not come under the campaign law. It was allowed by the FEC years ago as party-building money, not meant as campaign money. But over time, it began to be a big sum of money that both parties have now raised for campaign purposes even though it is not campaign law.

Mr. Speaker, I know that the other speaker is ready to speak, and I have gone over my 20 minutes, but I would like to say that I believe it is absolutely essential that my own party and my own leadership keep faith with its commitment to deal with campaign finance reform now, not later.

The commitment originally that was made was that we would deal with it in February or March, and we did not do that. We did not keep faith with our commitment.

The commitment then, after a number of us got off a petition, was to deal with this issue in May. Since May, we have had a vote on a rule allowing for debate on campaign finance reform. We have had a general debate on campaign finance reform. We have had a specific debate on a constitutional amendment brought forward by an individual who did not even support the constitutional amendment the individual was bringing forward, and that is it.

Since the commitment that was made to us in April, we have not had debate of any consequence during the time in May. We are already in the middle of June. I was told last week that the second rule on campaign finance reform would be debated on Friday, in which I concurred and thought that was some progress. That was not debated. I am told we will bring it up tomorrow. I am told we will have debate on Wednesday and Thursday and Friday. Now I have been told we will have no debate next week on campaign finance reform.

In my own mind, I do not understand why this reform Republican Party would oppose dealing with campaign finance reform. I do not know why my reform-minded leadership would object to dealing with this issue now, since we are going to have an open debate with endless amendments.

But there is a point where, if the leadership refuses to allow for an open debate to take place, then it forces us to consider going back on petitions. It forces us to take other action to express our concern with the process and to force some kind of change.

I realize that I am only one Member of 435, so I cannot force anything, but 218 Members can. Ultimately, there have to be 218 Members in this House who believe that the word of our leadership should be honored and that we should take up debate on the 11 substitutes and the endless amendments.

Tomorrow we will be taking up a second rule that will make germane amendments that are not even germane. We have hundreds and hundreds of amendments. I also have some leadership that have publicly stated that it is the intention to just drag out this debate ad infinitum.

I cannot understand why Republican leadership would choose to put this debate off any longer. Is it going to be better to debate this issue later this month? Is it going to be better to take up this issue in July and debate it? Do we win more points by putting it off even further and taking it up in September? How is that living up to the commitment of my leadership to take up this issue in May?

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORT ON HOUSE RESOLUTION 463, ESTABLISHING SELECT COMMITTEE ON U.S. NATIONAL SECURITY AND MILITARY/COMMERCIAL CONCERNS WITH THE PEOPLE'S REPUBLIC OF CHINA

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight, June 16, 1998, to file a report to accompany House Resolution 463.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request from the gentleman from Connecticut?

There was no objection.

PROTECT THE E-RATE FOR AMERICA'S CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, there is an emergency in America right now, and it affects the students in school. It affects the students who go to use our libraries.

I would like to announce that it is only 7:10 Eastern Standard Time, and I hope that there are kids in America listening, because this is their fight and they ought to rally to defend their own interests, the E-Rate. The E-Rate belongs to the kids of America.

What is the E-Rate? The E-Rate is a discount that is given through a universal service fund to schools and libraries in order to enable those schools and libraries to wire their computers to the Internet, to hook up to the Internet.

Then the E-Rate also continues to provide a discount on the ongoing telecommunication services utilized by the schools. The E-Rate is the greatest thing that has happened to schools in a long, long time.

The E-Rate is the result of the 1996 Telecommunications Act. The Telecommunications Act of 1996 gave the big corporations in broadcasting and telecommunications almost everything they asked for. The one concession they made is that they would provide discounted rates for schools and libraries.

By the way, this is all schools, parochial schools, private schools, all schools are eligible for the utilization of this E-Rate, the discount from the universal fund. Libraries, all libraries, all public libraries are eligible for it.

So we have started that. There was $2.25 billion made available or projected as the first year's expenditure. And 30,000 schools and libraries have applied already. They have met the qualifications. They have gone through the application process, and they are waiting for their funding from the E-Rate.

We have a great reduction in the E-Rate. So kids of America, they have some monsters out here. They have some monsters out here who have stolen or who are attempting to steal the E-Rate away from the children of America.

MCI wants the E-Rate to die. AT&T. And there are a lot of misguided Members of Congress who want the E-Rate to die. These big corporations and big powerful people elect are like the Grinch that stole Christmas. Only this time the Grinch is going to steal E-Rate.

They are like the Giant that chased little Jack. They are powerful, overwhelming, abusive. They have all the power. But Jack outwitted the Giant. That means that the children of America can fight back. This is a democracy and their parents vote. I hope they are listening and they tell their parents to listen, that the E-Rate deserves to live.

We are dealing with something like the Big Bad Wolf that was in Little Red Riding Hood's grandmother's bed. Little Red Riding Hood outwitted the Wolf. The Wolf in the end was destroyed, not Little Red Riding Hood.

We are dealing with something like Yertle the Turtle. There are people that are very powerful. There are corporations that are very greedy.

AT&T has been around a long time. They have made billions of dollars. The Telecommunications Act of 1996 would enable AT&T to make more money. MCI can make more money. Tremendous amounts of additional profit will accrue to these corporations as a result of the Telecommunications Act of 1996. But they want more. They want more. They are like Yertle the Turtle.

I think I remember Yertle the Turtle correctly. I read it to my kids a long time. I have a grandson, and I have got to get ready with all of these stories and get familiar with them. Green Eggs and Ham is my favorite, but Yertle the Turtle also was a favorite Dr. Seuss story.

If you recall, Yertle is not the hero. Yertle the Turtle is not the hero. Yertle is the villain. Yertle is the turtle who wanted to be the tallest turtle in the world. He wanted to be higher than everybody else. He kept forcing other turtles to get under him so he could get higher and higher and higher. Yertle was not the hero.

There was a little turtle on the bottom of him named Mac.

□ 1915

And Mack said, I'm tired of bearing all the weight of all these turtles on top of me. So Mack decided to squeeze out of the line, and the whole pile of turtles came tumbling down.

Kids of America do not have to take this bullying by AT&T or MCI or the chairmen of the powerful congressional committees. Kids of America can rebel. They can fight back. Kids of America should stay awake, listen, they should talk to their parents. They need to know more about the E-Rate. They need to know more about the attempt of the Grinch to steel the E-Rate from the kids of America.

Let me give everyone the background on what the E-Rate is all about. Last week I talked about leadership, and our leadership can determine the fate of a country and the fate of a nation, whether it is a small nation or a superpower. Last week I talked about Israel and how great the leadership of Israel has been to date; how Israel's leadership has brought it to the point in 50 years where it has achieved more than many countries have achieved in 200 or 300 years. Leadership.

I also gave an example of leadership in the Soviet Union; how leadership in the Soviet Union was able to produce a space station, rockets, intercontinental ballistic missiles, and it was a superpower. But the leadership was so ingrained and so enclosed that they did not listen to the outside world with respect to democracy. They did not listen to new thought coming in, so they focused in on themselves and destroyed the economy of the country. They destroyed the spirit of the country. So a superpower went out of existence in our time. A giant superpower collapsed and failed.

It is possible the giant superpower called the United States of America also is vulnerable if we do not have the right policies. If we bully little children, if we bully students in school. And that is what we have. We have the giant corporations teaming up with some powerful people in Congress and they are bullying the FCC and forcing the FCC to take away a benefit that is very much needed, an opportunity that is very much needed by most of the children in America. Certainly the low-income children of America have no chance, ever, of being in schools with computers hooked up to the internet that can pay the price of ongoing telecommunication services if we do not have this universal service fund, called the E-Rate for short.

Let me give everyone the background. There is an article that appeared in the Congressional Quarterly June 13th, and it summarizes it very well. And, Mr. Speaker, I will place the entire article, entitled ''The FCC Votes to Shrink Internet Subsidies Program; Two Bills Would Shift Cost'' in the June 13th issue of the Congressional Quarterly, in its entirety, in the RECORD. So it will be, in its entirety, in the RECORD. Everyone can pull it off the internet, by the way, but I am going to read it in part to let everyone clearly understand what this is all about. This is a terrible injustice to the children of America, and I think once everyone hears the story, they will agree with me. The article is as follows:

[From Congressional Quarterly, June 13, 1998]

FCC VOTES TO SHRINK INTERNET SUBSIDIES PROGRAM; TWO BILLS WOULD SHIFT COSTS

(By Juliana Gruenwald)

The Federal Communications Commission (FCC) voted June 12 to scale back a controversial program that provides discounts for Internet hookups to schools, libraries and rural health care centers.

The FCC, in a 3–2 vote, agreed to provide $700 million for the second half of the year, bringing the total for the year to $1.375 billion, a cut of nearly 50 percent from the FCC's original plan.

The action comes in the wake of pressure from Capitol Hill over how the FCC is running the program. Critics are angry that consumers are being forced to shoulder the cost of the Internet service.

Sen. John McCain, R-Ariz., chairman of the Commerce, Science and Transportation Committee, said the FCC's changes were ''an exercise in futility'' and said legislation must be enacted to stabilize the program.

House Speaker Newt Gingrich, R-Ga., said June 8 he would try to move legislation to block the FCC program in the next few weeks.

Rep. W.J. ''Billy'' Tauzin, R–La., and Sen. Conrad Burns, R-Mont., have said that, to pay for the Internet subsidies, they plan to introduce bills to shift revenue from the current 3 percent excise tax on telephone service.

The program was created by Congress in the 1996 telecommunications law (PL 104–104) when it expanded universal service, a system in place for years to provide subsidies for phone service to low income residents and high-cost areas. (1996 Almanac, p. 3–43)

Universal service is paid for by telecommunications companies, which pass the charges along to consumers. About $675 million has been collected for the Internet program, which has yet to dispense any subsidies.

Some lawmakers say the FCC made the program so big it has led to an increase in long-distance rates.

The program appeared in jeopardy after the top leaders of the House and Senate Commerce committees called on the FCC on June 4 to stop collecting funding for the program and revamp the universal service rules. (CQ Weekly, p. 1539)

The move followed an announcement by some long-distance companies that they would impose a new surcharge on residential customers' bills to pay for their universal service costs.

The issue came to a head June 10 when all five commissioners appeared at the Senate hearing.

Several senators said they feared the Internet program could put support for traditional universal service at risk.

Some GOP members also complained that the program was only intended to provide discounts for Internet services, not to help pay for inside wiring. About $1.3 billion of the $2.02 billion requested in the 30,000 applications from schools in libraries was to pay for inside wiring.

But the program's defenders said the program had been unfairly maligned by those who are out to kill it and urged the commissioners to do what was necessary to keep it intact.

''Don't allow this covert operation to derail this initiative,'' said Sen. Olympia J. Snowe, R-Maine, one of the initiative's sponsors.

Carol Henderson, executive director for the American Library Association's Washington Office, said it has partially become a ''partisan political issue, and that's unfortunate . . . particularly if those who suffer for that are libraries and schools.''

Some Republicans call the program the ''Gore tax'' because Vice President Al Gore supports the program expanding Internet access to children.

Regardless of the controversy, Linda Smith, director of technology for San Bernardino city schools in California, said she hopes policy-makers will keep their commitment to help needy school districts.

Most of the 46,000 students in her district—77 percent of whom get free or reduced school lunches—do not ''have computers at home or access to the Net,'' she said.

Mr. Speaker, I am quoting from the article as it appeared on June 13 in the Congressional Quarterly.

The Federal Communications Commission, FCC, voted June 12th to scale back a controversial program that provides discounts for internet hookups to schools, libraries and rural health care centers. The FCC, in a 3-to-2 vote, agreed to provide $700 million for the second half of the year, bringing the total for the year to $1.375 billion, a cut of nearly 50 percent from the FCC's original plan.

They promised the children of America one figure and they are cutting the amount in half. Why? There is no good reason. They are saying it is too expensive. Why is it too expensive for the children of America to receive a tiny portion of the huge revenues that are pulled in by the communications companies? They say, no, and the FCC has made these cuts.

I want to make it clear at this point that I am not criticizing the FCC. The FCC has been bullied and pushed and forced into a position by overwhelming forces that have converged on the FCC. Since the E-Rate was established and the procedures were set up by the FCC, there has been a bullying by corporations. Some corporations have chosen to go to court and sue the FCC in an attempt to take away the E-Rate from the children of America.

Some corporations have been doing that, so that puts pressure on the FCC. And then we have the heads of some of the committees in Congress writing to the chairman of the FCC committee, in a very vicious and unusual way. Unprecedented. The chairmen of committees, who, by the way, do not have the authority to give orders directly to the various agencies of the Federal Government. They do not have that authority. But they were so brutal in their attack that they frightened the FCC commissioners. And they are attempting to try to compromise in order to save some part of the E-Rate for the children of America.

So the FCC is our hero at this point. The chairman of the FCC and the people who voted to at least keep half, they really are heroes for arriving at a point where, for the time being, they have offered a compromise.

I am here tonight to call upon the children of America, the kids of America, to not accept the compromise. We do not want half. We need the full $2.25 billion that was budgeted in the first place.

Let me continued with the article.

The action comes in the wake of pressure from Capitol Hill over how the FCC is running the program. Critics are angry that consumers are being forced to shoulder the cost of the internet service. Senator John McCain, Republican of Arizona, chairman of the Commerce, Science, and Transportation Committee, said the FCC's changes were ''an exercise in futility'' and said legislation must be enacted to stabilize the program.

I do not know what he means by exercise in futility. What he is saying is,

if we cut it in half, we have taken away half of the funds from the children of America. That is not enough. That is an exercise in futility. We are going to destroy the whole program.

It strikes me as very strange that this program for children, through schools and libraries, is arousing such intense reaction from powerful people. Corporations first, AT&T, MCI, and now certain powerful people in Congress want to destroy the program.

House Speaker Newt Gingrich, Republican from Georgia, said June 8th he would try to move legislation to block the FCC program in the next few weeks.

To block the FCC program. That is destruction. To smother it; to strangle it. Now, what have the kids of America done to deserve a program like this being strangled? Why is the big bad wolf and the Grinch and the giant and Yertle, all of them, gathering together to destroy a program that will provide opportunity for the children of America?

Representative W. J. Billy Tauzin, Republican of Louisiana, and Senator Conrad Burns, Republican of Montana, have said that to pay for the internet subsidies, they plan to introduce bills to shift revenue from the current 3 percent excise tax on telephone service.

Now, that sounds like, well, these guys are constructive and somebody is coming up with an alternative. When we start talking about taxes and shifting taxes, I assure everyone, children of America who are listening, after all, it is still early, I hope they are up, I assure everyone that any attempt to shift taxes or to play with taxes will not fair very well here on the floor. It will not get through.

They are just going to use this as a smoke screen to pretend that they care about the kids of America; they care about their opportunity and their future to be able to really learn the kind of basic knowledge of computers and use of the internet that is going to be required when they get to the point where they are graduating from high school or they are going out there to get one of these jobs, the big jobs of the future, the important jobs, the jobs that are going to be available, that we know for certain are jobs relating to information technology. Information technology jobs are the ones that will be available. If kids do not get prepared in school, they will be able to qualify for those jobs.

Low-income students in the big cities of America, students in rural areas are already way behind. Most of our suburban schools, a lot of schools in affluent communities, they are already wired to the internet. They already have computer labs and computer programs which are fully educating their children on the benefits of how to use computers and learning how to use computers in the applications for the future.

To go back to the article, I quote again,

The program was created by Congress in the 1996 telecommunications law, Public Law 104–104, when it expanded universal service, a system in place for years to provide subsidies for phone service to low-income residents and high cost areas.

Let me just quote that again. I am quoting from an article from the Congressional Quarterly. They said the program that we are talking about now, the E-Rate, the universal fund expansion to include discounts to libraries and schools was added to another fund in 1996, in the 1996 telecommunications law, when it expanded universal service. Universal service existed already. They are making it appear they never had anything like this, but there is a universal service that existed already, and that service provides service to low-income residents and high cost areas.

Universal service is paid for by telecommunications companies and they pass the charges along to consumers. Is it a large charge? We have been receiving an extra charge for years. For years we have never known it even existed. Most people did not know there was a universal service and that a slight amount of money was taxed on to the phone bill to pay for that service that already existed.

But now that it is there for children, it is there to provide wiring to the internet and ongoing telecommunications services on the internet, it has suddenly become a big issue and corporations want to go to war against the children of America.

About $675 million has been collected for the internet program to date, which has yet to dispense any subsidies. They have not spent a penny yet. We have been getting ready since last fall. Applications originally were supposed to be submitted last fall. They moved it back to January. We started submitting applications in January. Remember, those who were part of those 30,000 schools that have submitted? It was done mostly over the internet. Most of the submissions were done over the internet. They could do it some other way, in print, but they encouraged everybody to do it over the internet. And those applications were complicated. The process was complicated.

And now that they have it all in, and not a penny has been spent yet, before the program can even start, the bullies, the giants, the grinches, the big bad wolves, the Yertles, the turtles, they have come along and stolen half of it and they want the rest. Kids of America better rise up and fight this.

Some lawmakers say the FCC made the program so big it has lead to an increase in long-distance rates. The program appeared in jeopardy after the top leaders of the House and Senate commerce committees called on the FCC on June 4 to stop collecting funding for the program and revamp the universal service rules. The move followed an announcement by some long-distance companies,

the move followed an announcement by some long-distance companies,

that they would impose a new surcharge on residential customers' bills to pay for their universal service cost.

Here is where was set in motion the process which has now led to an attempt to steal the E-Rate from the kids of America.

The move followed an announcement by some long distance companies that they would impose a new surcharge on residential customers' bills to pay for their universal service cost. The issue came to a head June 10th, when all five commissioners appeared at the Senate hearing. Several Senators said they feared the internet program could put support for traditional universal service at risk. Some GOP members also complained that the program was only intended to provide discounts for internet services, not to help pay for inside waring. About $1.3 billion of the $2.2 billion requested in the 30,000 applications from schools and libraries was to pay for inside wiring.

☐ 1930

I am reading from Congressional Quarterly's summary of the attempt to steal the Internet from the kids of America. They are making an issue out of the fact that some of the money goes to help wire the school to provide basic wiring to hook computers up to the net. They do not use the money to buy computers. They do not use the money to pay for teachers or technical assistants. They do not use the means to pay personnel to wire the schools necessarily, but the wiring costs and some basic costs that enables the schools that are poorest to get into the game.

The biggest amount of the money and the money that will be spent on an ongoing basis will be for the actual telecommunications services on an ongoing basis month after month after month. Some schools will get a discount as high as 90 percent. In the poorest schools in my district, it means that for every dollar that the schools spend on a monthly basis for telecommunications services, they would only have to pay 10 cents. They can get as high as that. The poorest districts of America could get a 90 percent discount.

What are the poorest districts? They measure them by the districts that have the largest amount of children who are eligible for the free school lunch program. The school lunch program, in order to be a part of it, they have to submit from their parents and their home, they have to submit proof of their income status.

There are some schools in my district where 95 percent of the children are eligible for the school lunch program, which means that that school certainly is eligible for the biggest discount. So at one end they may have some suburban schools, affluent neighborhoods, they get a 15 percent discount.

Some people complain about they should not get anything. I think the program should be for every school district, for every school, for every library. I do not think it should be cut off for some and only available to the poorest. I think there should be some funds available for every school.

I do not think $2.2 billion that has been requested by the 30,000 schools and libraries is too much when we consider the billions of dollars being

earned by the big telecommunications companies.

I am quoting again from the Congressional Quarterly article. ''But the program's defenders said the program had been unfairly maligned by those who are out to kill it and urge the commissioners to do what was necessary to keep it intact. Don't allow this covert operation to derail this initiative,'' said Senator OLYMPIA J. SNOW, Republican of Maine, one of the initiative's sponsors.

Karen Henderson, the executive director for the American Libraries Association's Washington office, said, ''It has partially become a partisan political issue.'' And that is unfortunate, particularly if those who suffer for that are libraries and schools.

Why are the Republicans making this a partisan issue? Do Republicans not care about education in America? Do they not want the children of America who are in school today to be prepared to meet the qualifications for the information technology jobs of tomorrow? Why are the Republicans against providing universal, across-the-board service which would allow all schools and libraries to become part of a process of utilizing information technology starting with computers?

They are making it a big partisan issue. Remember the Republicans, 2 years ago they tried to steal part of school lunches from children, they wanted to cut the school lunch program two years ago? At that time I called on the kids of America and their parents to wake up. Kids of America, there is a fiscal crunch. This great Nation now needs your lunch. I wrote a little appeal to the kids to understand what they are saying. The Republicans say there is a fiscal crunch. The Nation needs your lunch. I was absurd, ridiculous of course. $2 billion will be saved by cutting back on school lunches.

The kids of America and their parents, everybody out there with common sense, rose up in horror. How can the Republicans take lunches from little kids? How can they take lunches from students at school? And the horror became evident in the public opinion polls and in the focus groups, so that the Republicans in 1996 retreated.

They gave up not only their great cuts in school lunch program, they gave up many other education cuts, understanding that common sense in America says that education ought to be one of the first priorities in the Federal Government. Education should be one of the first priorities.

They tried to politicize education. They called for the complete elimination of the Department of Education. They were going to cut Headstart. They were going to cut title I. The budget that they presented in 1995 in many ways resembles the budget that they presented in 1998. Again, they are calling for elimination of title I. They are going to convert title I to vouchers.

Again, they refuse to deal with the overwhelming problem of school construction that we need help in constructing more classrooms. In order to bring down class size we need to do two things. We need to construct more classrooms as well as provide some money for more teachers.

But the Republican budget that has just been released, they do not have anything in there for school construction, for reduction of class sizes. They want to cut title I and turn it into a voucher program.

They want to politicize something as great as this universal service funds for schools and libraries. It now is going to become a political football. The next paragraph in that article describes part of that process.

A quote from the Congressional Quarterly article. ''Some Republicans call the program the Gore tax because Vice President AL GORE supports the program expanding Internet access to children.'' ''Some Republicans call the program the Gore tax because Vice President AL GORE supports the program expanding Internet access to children.''

What a pity that this becomes a political football. Vice President AL GORE should be lauded and applauded for the way they have provided leadership. This is leadership and vision that has been provided and leading the way for schools to get involved in their educational programs with the kind of process educating children for information technology jobs that exist tomorrow. That process will not happen automatically. Schools have lots of problems.

Only the vision of Vice President GORE and of President Clinton has opened this whole process. We made a breakthrough. The President stood here 2 years ago and called for the wiring of all the schools of America through a volunteer process. The President himself, in California, helped initiate the first volunteer wiring of the schools. They go out on a Saturday and they get volunteers and they wire a school.

They even set up a national process where there is a kit to wire a school we could purchase between $500 and $600. Because they purchased the equipment and wires, everything was purchased in large quantities, so they are able to supply the kit at the very lowest cost. Then they can get volunteers to do the hookup.

We also need some people who are aware of how to do this. So they have to call upon people like the Bell Atlantic employees in my district who have been magnificent. Bell Atlantic employees and Bell Atlantic has supported the wiring of schools for Internet in my district.

In other districts, they had other telecommunications companies and they had unions. I think my colleague the gentlewoman from Michigan (Ms. STABENOW) is a leader in this Congress; and she gave us a whole handbook and a whole list of ways in which they can get their school wired.

So wiring of a school by volunteers has been initiated by the President and Vice President. Members of Congress and Democrats have picked up on it. And we have had a large number of schools that have been wired. They need the help on an ongoing basis to pay the cost of telecommunications services.

Then there are other situations where a large number of schools have not been wired. In the inner cities of America, most of the schools still remain unwired.

I have led in my district an effort to wire schools. Out of the 70 schools that exist in my Congressional district, 70 schools, elementary, junior high school and high school, we only wired 22. With the great Herculean volunteer effort, we only wired 22.

We are a pilot program. We have had the help of the Board of Education. We had the help of Bell Atlantic, one of the communications companies. We had the help of a group called New York Connects, which organizes other private-sector companies to give us help in wiring the schools. We had a lot of help from a group called the Husain Institute of technology. Mr. Husain is an engineer, a computer engineer, who volunteers his services, as well as he operates a free school for training students, adults, and children on the computer. So we have had all this with us, and still we have only wired 22.

What this does, the E-rate, the universal fund does is allow this process to be speeded up and accelerated. We do not have to wait for all of this to be done by volunteers.

The first barrier that most inner cities cannot cross is that measly $500 to $600. All they need for the kit to buy all the wire, all the tools, all the hookups, all the plastic stuff, all the copper, all that is supplied in a kit for $500 to $600.

Most schools cannot raise the $500 to $600. They cannot get the volunteers outside to do it. We have been fortunate that Bell Atlantic and New York Connects and some other private-sector people have done that for us in order to make certain that nobody is left behind, that all of the schools, private, parochial, and public in America do receive this connection with the Internet.

By the way, the wiring of the schools, when we use that term, we are talking about the library and five classrooms. Wiring of the schools is library and five classrooms. It is not the whole school. It is just a measly fundamental necessary beginning. And that is all we are asking. Let the universal fund go forward Let us keep the E-rate so that that is possible.

Let me just conclude this article by reading the last two paragraphs. ''Regardless of the controversy, Linda Smith, who is Director of Technology for San Bernardino City Schools in California, said she hopes policymakers will keep their commitments to help needy school districts.''

I hope that policy makers will keep their commitments. I fear that the bullies here will not let us do that. We are the policy makers. The Congress of the United States wrote into the legislation that the FCC should provide a way to make certain that all schools and libraries get service, connection with the Internet. It is in the law. It is a very simple statement, very general.

It was left up to the FCC to determine how to do that. The former commissioner of the FCC, Reid Hunt, did a magnificent job of guiding us to a point where they established this program, with all of its complications.

The present commissioner, William Kanard, is attempting to carry out what was decided upon by commissioners previously. It is most unfortunate that the bullies have all ganged up on the FCC and have forced them to back down. We lost half of the Internet as a result of their actions.

The last paragraph of this article from the Congressional Quarterly on July 13th, ''Most of the 46,000 students in LINDA SMITH's district, 77 percent of whom get free or reduced school lunches, do not have computers at home or access to the Net,'' she said.

That is the case in my district. That is the case of thousands of school districts across the country. They do not have access to the Internet, and they will not have it if we let them take the universal fund away.

Kids of America, AT&T, MCI, they are bullies. They are grinches who want to steal the E-rate. They are giants who want to chase little Jack. They are the big bad wolves. They are Yertle the Turtle. In the comic books, there is the council of doom. In modern space comic books, where we deal with the whole universe and in certain planets, sets of planets, they have a council of doom, the evil monsters attempting to gain control of the universe; and they raid against the counsel of justice, the good guys who are attempting to go fight off evil and make certain that democracy prevails in the universe and that everybody has an opportunity to survive in the universe in peace and harmony.

Now we have got a council of doom going after the E-rate. The council of doom has won the first battle. The council of doom was able to force the FCC to back down and cut the E-rate in half. Kids of America, do not take it lying down.

''Kids of America, wake up. Arise, March all together. Before the E-rate dies.
Kids of America, arise. AT&T is telling your parents misleading lies.
Kids of America, it is time to fight. Take out your light. Let it shine for truth. Boycott the AT&T booth.
AT&T lies have clouded our blue skies. Don't make any calls. Then the monster falls.
Kids arise. Fight AT&T lies. Altogether students attack. Take opportunity and the Internet back.
Kids of America, arise.''

You do not have to take this lying down. Tell your parents you will not allow them to take it lying down. You have a telephone. Call AT&T now. Call your Congressman. We will not take this lying down. The grinch will not steal the E-rate from the kids of America.

This giant will not destroy little Jack. The big bad wolf got outwitted by Little Red Ridinghood. And we will outwit the big bad wolf again. Yertle the turtle got knocked off his pedestal my Mack. The council of doom has won the first battle. But we will not let the council of doom prevail. The council of justice will take over.

□ 1945

This is not the first time I have appealed to the kids of America to come forward and fight. We won last time. When they tried to take the school lunches away, or cut the school lunch program, I called on the kids of America to rally, and they did. They got to their parents, they got to the voters, the message got through to the Republicans that we will not stand for a cut in the school lunch program.

Mr. Speaker, I am going to read my colleagues a section of the CONGRESSIONAL RECORD from Tuesday, April 4, 1995. That was shortly after we started the battle with the Republican majority to get back the school lunch program. They had voted to cut the school lunch program. I want Members to just see how relevant this battle is to the present one. They could not cut the school lunch program, but now they are going after something that is fundamental to the minds, the future training opportunity for our young people.

On April 4, I entered the following statement into the CONGRESSIONAL RECORD:

Mr. Speaker, the final word has not yet been said about the Republican swindle of the children who receive free lunches in schools across our Nation. But the final, most authoritative figures have been established by the Congressional Budget Office. The very conservative but thorough Congressional Budget Office has estimated that the Republicans will capture slightly more than $2 billion from their block-granted school lunch program. They were going to take $2 billion out of the school lunch program for the kids of America. This will be $2 billion more to go into the tax cut for the rich. This is a scenario filled with horror. It conjures up the image of the poster where Uncle Sam is pointing the finger and saying to potential military recruits, ''I need you!'' While the Republicans advocate a $50 billion increase in the Defense budget and turn their backs on welfare for corporations and rich farmers, they are saying to the children of America, ''This Nation needs your lunch.''

Kids of America, there is a fiscal crunch.
This great Nation now needs your lunch.
To set the budget right, go hungry for one night.
Don't eat what we could save.
Be brave.
Patriots stand out above the bunch.
Proudly surrender lunch.
Kids of America, nutrition is not for you.
Sacrifice for the rich few.
When tummies hurt, go to bed.
Be a soldier and play dead.
The F–22 then might rescue you.
The Sea Wolf sub might bring hot grub.
Now hear this, there is a fiscal crunch.
This Nation needs your lunch.
Pledge allegiance to the flag.
Mobilize your own brown bag.
The enemy deficit must be defeated.
Nutrition suicide squads are desperately needed.
Kids of America, there is a fiscal crunch.
This great Nation now needs your lunch.

They demanded your lunch before and you said ''no.'' Your parents said ''no.'' The voters said ''no.'' The Republican majority retreated. Now they are demanding your opportunity to learn what you need to know in order to go into the 21st century.

Kids of America arise.
Don't accept the AT&T lies.
MCI wants the E-rate to die.

A lot of other telecommunications corporations are suing the Federal Communications Commission. Some misguided chairmen are bullying the FCC. There are people coming to our defense. There are a lot of efforts to try to turn back this terrible action. I want to commend the chairman of the Federal Communications Commission, Mr. Kennard. I want to commend the Secretary of Education, Mr. Riley. They are fighting back and we are going to fight back. Children will not be alone. There are many others who will join us in this fight to make certain that the E-rate is not stolen.

Jesse Jackson has attacked the telecommunications industry in an article which appeared in the Amsterdam News on June 11. I quote from the article:

A $2.25 billion program designed to provide discount rates to wire poor urban school districts and libraries for the Internet was unveiled Monday at the Chicago headquarters of the Rainbow PUSH Coalition. At a press conference attended by several Members of Congress and the Chicago Public School System, the Reverend Jesse Jackson, the head of the coalition, called the project another example of the growing class gap in America. Companies that are perennially poised to feed at the public trough, Jackson charged, have once again turned their backs on the consumer by passing on the cost of wiring poor urban and rural school districts to their consumers. Although some 30,000 applications for the discount rate have been submitted from school districts and libraries across the country, Jackson noted that the telecommunications industry is lobbying Congress to call a halt to the plan. ''This action will essentially resegregate our schools along class lines,'' Jackson declared. On the other hand, he said that there are schools that are wired for the Internet and its attendant technology. Jackson said that the poor urban and rural children will be shut out of the technology. He said further that the big telecommunications moguls should not be allowed to leave some children behind. ''They would rather lock them up than train them in school facilities that are adequately wired for increasing technology,'' Jackson said.

As my colleagues know, it costs more than $30,000 a year to keep a prisoner in a cell. Why can we not afford some discounts on telecommunications to make certain that our children get the very best possible education? Why is our leadership so blind? Why is there so little vision? At a time like this when

America is more prosperous than it has been in decades, why are we attempting to take away opportunity for children to learn what they need to know in order to qualify for the jobs, in order to be leaders in the 21st century?

Mr. Speaker, let me just conclude by reading a letter from William Kennard, and a letter from Richard Riley. I will not read the entire letter, Mr. Speaker.

Mr. Speaker, I enter into the RECORD two letters which appeared in the Washington Post, one from William Kennard, Federal Communications Commission Chairman, and one from the Secretary Richard W. Riley, Secretary of Education, as follows:

A COMPUTER IN EVERY CLASSROOM

(By William E. Kennard)

James Glassman's June 2 op-ed column criticized Congress's decision to make connecting libraries and classrooms to the communications network part of our national concept of universal service. Mr. Glassman said the initiative is not needed. But an enormous disparity in access to communications technology exists in this country, and the Federal Communications Commission is implementing its congressional mandate in a way that supports local control of education and does so without creating large, inefficient bureaucracies.

In the Telecommunications Act of 1996, Congress expanded universal service to include advanced telecommunications services to all public libraries and grades K through 12 in public and private schools. Schools in affluent communities now have double the Internet access of schools in low income or rural areas. Nationwide, only 27 percent of our classrooms, and only 13 percent of classrooms in our neediest areas, have access to an Internet connection. Few poor children will have access to the Internet outside of school, yet studies show that students in classes that use computers not only outperform their peers on standardized tests but show more enthusiasm for communicating and learning. This increase in technology will improve the lives of American schoolchildren.

None of the changes means that local school boards will not decide what technology to acquire and fund. On average, universal service covers only 15 percent of the projected cost of connecting, operating and using networks in classrooms. Each school and library applying for a universal-service discount must pay as much as 80 percent of the total cost of the discounted service.

Universal service discounts can be applied only to the cost of obtaining telecommunications services, establishing network connections and receiving Internet access. School districts also must certify that they have a plan for how to use the discounted services and that the plan has been approved by their state.

Nor is universal service for schools and libraries an entitlement administered by an oversized federal bureaucracy. The private, nonprofit, nonpolitical entity established to administer the program has a staff of 14 people.

Mr. Glassman charged that I and other supporters of universal service to rural America, low-income citizens and classrooms and libraries have opposed efforts by communications carriers to itemize contributions on customer bills. On the contrary, I favor full disclosure by all telephone companies. But companies that say they will pass on ''new'' charges also should commit to passing on reductions and to disclosing both. I support neither a ''hidden tax'' nor a ''hidden rate increase.''

Finally, let's be clear about the cost of universal service for classrooms and libraries. Connecting classrooms and libraries can be achieved for less than $1 per line per month. The rest of the proposed universal service fees continue our 60-year national commitment to affordable and adequate telephone service for rural America and our poorest citizens.

The real issue is not a ''hidden tax'' but the hidden agenda of Mr. Glassman and others who oppose our national commitment to ensuring that all Americans have access to communications technology as we enter the 21st century.

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(By Richard W. Riley)

James Glassman's misleading arguments against the education-rate, or ''E-rate,'' do a disservice to our children and to education.

The E-rate is one of the most important advances in education in our time. It gives schools and libraries significant discounts on the costs of Internet access, distance learning and other on-line learning opportunities. All schools will qualify for some discounts, with schools in our poorest communities receiving the most assistance. The E-rate is designed to help ensure that all children—regardless of race, income or geography—will have the chance to learn and succeed through the use of modern technology.

Mr. Glassman says that 80 percent of schools already are connected to the Internet, but he doesn't say that connection too often goes to one or two rooms, not to every classroom. We must give all children access to the Information Superhighway.

The Telecommunications Act of 1996, which provided for the E-rate, led to reductions in access charges that long-distance companies such as AT&T and MCI pay to connect to local telephone companies. As a result, in the past 11 months, long-distance companies have enjoyed a savings of $2.4 billion, more than offsetting the estimated $2.02 billion cost of the E-rate discount for schools and libraries.

The E-rate has tremendous support among America's educators, parents and business people. About 30,000 schools and libraries have applied. It also has received strong bipartisan support from the National Governors' Association and Congress.

America's economy is in good shape, and our competitive edge in technology is one of the big reasons why. We would be foolish to allow that competitive edge to slip away. The E-rate will help America create the most technically savvy work force in the world and protect our nation's prosperity and democratic values.

Mr. Speaker, I will just quote some of the items from Mr. Kennard's letter:

In the Telecommunications Act of 1996, Congress expanded universal service to include advanced telecommunications services to all public libraries and grades K through 12 in public and private schools. Schools in affluent communities now have double the Internet access of schools in low-income or rural areas. Nationwide, only 27 percent of our classrooms, and only 13 percent of classrooms in our neediest areas, have access to an Internet connection. Few poor children will have access to the Internet outside of school, yet studies show that students in classes that use computers not only outperform their peers on standardized tests but show more enthusiasm for communicating and learning. This increase in technology will improve the lives of American schoolchildren.

None of the changes means that local school boards will not decide what technology to acquire and fund. On average, universal service covers only 15 percent of the projected cost of connecting, operating and using networks in classrooms. Each school and library applying for a universal-service discount must pay as much as 80 percent of the total cost of the discounted service.

Universal service discounts can be applied only to the cost of obtaining telecommunications services, establishing network connections and receiving Internet access. School districts also must certify that they have a plan for how to use the discounted services and that the plan has been approved by their State.

Nor is universal service for schools and libraries an entitlement administered by an oversized Federal bureaucracy. The private, nonprofit, nonpolitical entity established to administer the program has a staff of 14 people.

Part of the reason that they have cited for attacking the program is that they say the FCC is creating a bureaucracy. That is only a smoke screen. They really want to get at the heart of the program which will be an ongoing amount of money that the huge telephone communications companies will have to pay to the fund. The greedy companies do not want to share the largess and the benefits that they have had conferred upon them from their Government. They do not want to share that with children.

Finally, let's be clear about the cost of universal service for classrooms and libraries. Connecting classrooms and libraries can be achieved for less than $1 per line per month. The rest of the proposed universal service fees continue our 60-year national commitment to affordable and adequate telephone service for rural America and our poorest citizens.

The real issue is not a hidden tax but the hidden agenda of those who oppose our national commitment to ensuring that all Americans have access to communications technology as we enter the 21st century.

That is by William Kennard, Chairman, Federal Communications Commission.

Quoting from the letter by Richard Riley, the Secretary of Education:

The E-rate is one of the most important advances in education in our time. It gives schools and libraries significant discounts on the costs of Internet access, distance learning and other on-line learning opportunities. All schools will qualify for some discounts, with schools in our poorest communities receiving the most assistance. The E-rate is designed to help ensure that all children, regardless of race, income or geography, will have the chance to learn and succeed through the use of modern technology.

I might add that I often encounter when I am talking to parents in my district and school board members and other leaders, they want to know why is education technology so important, why are computers so important?

We have problems. Our schools are overcrowded. We do not have enough equipment. We do not have enough supplies. We have too many substitute teachers. Why do you want to bother us with another problem of wiring schools for the Internet?

My answer to that is a very simple one. If every city in America had waited until all the sidewalks and all the roads were fixed and repaired and in excellent condition before they decided to build an airport, we would still be

waiting for the first airport to be built. What would that mean for modern transportation in the United States? Education cannot stand still while the rest of the world goes forward.

Quoting from Secretary Riley again:

The E-rate has tremendous support among America's educators, parents and business people. About 30,000 schools and libraries have applied. It also has received strong bipartisan support from the National Governors' Association and Congress.

America's economy is in good shape, and our competitive edge in technology is one of the big reasons why. We would be foolish to allow that competitive edge to slip away. The E-rate will help America create the most technically savvy workforce in the world and protect our Nation's prosperity and democratic values.

Secretary of Education Richard W. Riley.

Mr. Speaker, in a situation which is so self-evident, why do we have bullies who are attempting to wipe out this universal fund for schools and libraries? Why? I talked last week about leadership. Powerful leadership can determine the course of a Nation, the way they behave or the way they are allowed to behave. But leadership is not just the chairmen of committees. The chairmen of committees in America are beholden to the committee members. The committee members are beholden to the rest of the Congress.

If we took a poll among all the Members of Congress, I want the kids of America to know that overwhelmingly the majority of the Members of Congress support the E-rate. Overwhelmingly they support the universal fund for libraries and schools, the Members of Congress. We have had an undemocratic set of positions taken. The committee chairmen have bullied the FCC. They have skirted the democratic process and used their power to force the FCC to steal half of the E-rate from the children of America.

Those committee chairmen need to be challenged. Any leadership that will not accept the will of the Congress should be challenged. We will challenge it on this floor. We want you to join us. Anybody who says that this is not good for America, that we cannot afford it, we have unprecedented prosperity and the telecommunications companies are enjoying that prosperity. Also they are in a great position as a result of the Telecommunications Act of 1996. Why are they so mean? Why do they want to steal from the children of America?

We have coming to the floor, next week probably, something called the American Competitiveness Act. I have talked about that last week, too. The American Competitiveness Act, and this has already passed the other body, primarily this act calls for giving the jobs that our children and our retrained workers ought to be having to foreigners. This act wants to increase the quota for professionals who know computer programming and computer science to come into this country. They have a large number of vacancies. They want to fill the vacancies by bringing in outsiders, instead of revamping the education system of America so that we will always have all of the information technology workers that we need.

This American Competitiveness Act has a counterpart in the Judiciary Committee of the House. They do not even go as far as this act goes. At least in this act some people were able to prevail on the committee to enlarge it into including a small portion for training. There is some money in here for scholarships and for retraining our unemployed workers. That was added at the insistence of the Democrats on the committee in the Senate.

□ 2000

But the House Judiciary bill does not have any training money in it. They are just going to increase the quota, increase the number of immigrants who come in who are professionals who have knowledge of computer science. Instead of giving the jobs to our people, they will be giving them to others.

Most of these people come from English-speaking countries because even though they have knowledge of computer science in central Europe and Russia, the former Soviet Union, those people cannot come in as efficiently because they have to learn the English language. So the English speaking countries like India and Great Britain and many others, they will be the ones who send the computer professionals, and 30,000 will be brought in this year, and after that 20,000 per year. And since they are not increasing the overall immigration quota, other immigrants who come in for other reasons are going to have their quota cut. They are going to cut the quota somewhere else in order to increase the professionals who come in.

Large numbers will come in from India because India had a set of leaders who had vision. They started training their young people, their students, in computer science long time ago, and they have established the largest body of computer expertise in the world. We will be importing large numbers from India to take the positions that are vacant now in information technology.

It is ironical that a lot of criticism has been made on this floor and by the President of India exploding a nuclear device, a nuclear bomb. The same company that has a great role in the India nuclear weapons program is a company that will be providing most of the workers from India to come into this country to take the jobs and information technology. They have provided them in the past, and they are going to provide them now in the future.

In other words, many of the people came in in the past got know-how expertise that they took back and applied in this nuclear weapons program for India, and we are acting in a very hypocritical and contradictory way.

The President cut off aid to India. We all made great statements about how India has violated the spirit of a nuclear weapons ban, as my colleagues know, but on the other hand we are aiding and abetting the nuclear arms industry in India by bringing in workers to take jobs that ought to go to workers here.

We ought to have a training program. As you have heard before, I offered an amendment to the Higher Education Assistance Act which would have provided a very reasonable training program where colleges and universities would link up with community-based organizations and poor neighborhoods, and they would provide access to computers for the youngsters in low-income families that do not have access to computers. It is a very practical kind of program. The people are ready. They are ready to join 21st century.

Last week, last Saturday, I had what I call a synergy, a town meeting and synergy conference, which brought together people from all parts of my district, and the primary focus of this conference was information technology. I wanted to have kind of a shock awareness of a shock awareness to bring my constituents into an understanding of what is needed if they want to share prosperity, the prosperity of now and the prosperity that is going to expand in the 21st century. The jobs of tomorrow will be jobs related to information technology.

I wanted my constituents to understand that it was a terrible day, raining, you know thunderstorms, and when I saw the weather, I almost gave up and said, you know, we have gone through all this getting ready. We had experts from Bell Atlantic, Cable Vision. We had the Secretary of Commerce bringing us a greeting over video to show them how you can do that from video. We had the New York Technical Institute providing an example of how interactive a video can work. We had a magnificent program plan, and the rain came pouring down, and I was despairing and suddenly behold the auditorium which held 500 people filled up because the desire to know about what is going on in this modern telecommunications-dominated world is so great, and so people came out in the rain. Five hundred people came out to participate in the program which was designed to introduce a shock awareness of what is going on in the information technology world.

You know, we had the assistance of large numbers of people who want to get involved and who are involved, and I have a group called ET–3 made up of people who call on the national groups involved in information technology. We have booklets there from the Information Technology Association of America which showed, you know, in graphic detail what jobs are available. We had a group called American School Directory which shows schools how to get themselves a web site for nothing. American School Directory provides a web site for nothing, and the schools have a tool kit which enables the teachers and the students to put together their own web site.

A lot of marvelous things happen, and the New York State Department of Education announced that day that $23 million is going to be provided to the School Board of Education of New York. It is not State or city money, it is money that we voted on here in Congress. The Telecommunications Literacy Act provided money to States, and New York State is just releasing the money to the local school districts and New York City Board of Education will get $23 million. Most of that will be devoted to training teachers and school personnel in how to utilize the information technology.

A lot of good things took place, but the point I am making is that we have a hunger for people out there in the low-income community. Most of them came from the low-income area of my district to join the 21st century and be knowledgeable and be able to survive there and prosper there. We have a group called the Hussein Institute of Technology, as I mentioned before, and they helped me to wire these 23 schools, most of them with assistance of Hussein Institute of Technology and the Bell Atlantic group that provides telephone service to the Brooklyn area. We have wired using volunteers these 22 out of 70 schools in my district.

Our goal is to get everyone in 70 schools wired by December 31 of this year. We are going to do it with volunteers, if we have to, but we like to have the process speeded up by having some funds from the universal fund rate, by having the knowledge out there among the schools that once you get hooked up to the Internet, you do not have a cost that is going to be burdensome. Many schools are reluctant to get wired because, if they are wired to the Internet, they have to pay an ongoing cost. What the E-rate does is pays a big percentage of that cost for schools in my district. None of them would get less than an 80 percent discount because they have so many poor youngsters attending.

You are talking about 80 percent discount to practically all the schools in my district for ongoing telecommunication services. That is what is at stake here. They will lose it, and if that is lost, the budgets of the school districts will not be able to bear this. They will back up and say, look, equipment needs are greatest, we need chalk, we need paper, we need so many other things. We are not going to make a commitment of $1, of ten cents. We would be willing to make a commitment of ten cents out of every dollar to telecommunication, but we are not going to pay the whole cost, we cannot afford it. And you have a complete choking of the process of bringing opportunity to the school districts.

I said we need leadership. At a time like this we have a window of opportunity. We are not at war in America, we need leadership. The kids of America are to understand that our leadership is not preoccupied with defending the country militarily. We have unprecedented prosperity in the country. Why can we not open our eyes and understand that investments in education at a time like this is most important?

The Roman empire, which was just a village compared with the American colossus, the American colossus is something beyond an empire, and Rome, as great as it was and as dominant as it was in this time was a small thing. But the Roman empire, they invented a lot of technological devices that we still have. The Romans invented concrete, and the Romans were great masters of technology. They built huge cities. They built the coliseum which still stands, the ruins still stand on solid foundation after thousands of years. The Romans had achieved prosperity in that time comparable to the kind of prosperity we have now.

But the Roman leadership failed, and Rome declined because the leadership was not up to it consistently. At a time when the Roman leadership was at its height technologically and they built the great coliseum, what did they use the coliseum for? Their sport, their favorite sports, were blood sports. They like to see gladiators killing each other. You know, they were unevenly developed. They had great technological development. They were masters of warfare. Nobody could match them militarily. Nobody could match them technologically. But there was something wrong with their compassion and their vision, and they enjoyed watching people kill each other as a sport: Gladiators.

When they were not watching gladiators, they enjoyed watching wild animals tear human beings apart. It is not a fable that the Romans threw the Christians to the lions. They did that. They did that to more than just the Christians. They enjoy watching people being devoured by beasts. The coliseum with all of its intricate engineering has places underneath they engineered for beasts to be put in cages and beasts to be guided out where the people, the technologically-advanced Romans, could enjoy watching the animals rip people apart.

Let us not in America fall into that deep trench of having our technological development outpace our compassion. Let us not steal Internet from the children. Let us stop AT&T. Let us stop all of those who want to steal Internet from the kids in America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEWIS of California (at the request of Mr. ARMEY) for today until 7 p.m. Wednesday, June 17, on account of attending a funeral.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today through Tuesday, June 23, on account of family reasons.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mr. MCHUGH) to revise and extend their remarks and include extraneous material:)

Mr. SCARBOROUGH, for 5 minutes, today.

Mrs. LINDA SMITH of Washington, for 5 minutes, today.

Mr. HORN, for 5 minutes, on June 23.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) and to include extraneous material:)

Mr. MURTHA.

Mr. BONIOR.

Mrs. MALONEY of New York.

Mr. VISCLOSKY.

Mr. SHERMAN.

Mr. KIND.

Mr. SERRANO.

Ms. SANCHEZ.

Mr. HAMILTON.

Mr. SCHUMER.

Mr. TURNER.

Mr. SABO.

Mr. FAZIO of California.

Mr. KILDEE.

Mr. KLECZKA.

(The following Members (at the request of Mr. OWENS) and to include extraneous material:)

Mr. PACKARD.

Mr. ACKERMAN.

Mr. PAYNE.

Mr. FORD.

Mrs. MORELLA.

(The following Members (at the request of Mr. MCHUGH) and to include extraneous material:)

Mr. SMITH of Oregon.

Mr. RADANOVICH.

Mr. LEWIS of California.

Mr. SMITH of New Jersey.

Mr. FRELINGHUYSEN.

Mr. GILMAN, in two instances.

Mr. DELAY.

Mr. LEACH.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 11 minutes p.m.), the House adjourned until tomorrow, June 17, 1998, at 10 a.m.

HOUSE BILLS AND JOINT RESOLUTION APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and a joint resolution of the House of the following titles:

On February 11, 1998:

H.R. 1271, An act to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 and 1999, and for other purposes.

H.R. 3042, An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

On March 20, 1998:

H.R. 595, An act to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the ''William Augustus Bootle Federal building and United States Courthouse''.

H.R. 3116, An act to address the Year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and the National Credit Union Administration, and for other purposes:

On April 24, 1998:

H.R. 1116, An act to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District and the Fabens Independent School District.

H.R. 2843, An act to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes.

H.R. 3226, An act to authorize the Secretary of Agriculture to convey certain lands and improvements in the State of Virginia, and for other purposes.

On May 1, 1998:

H.R. 3579, An act making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes.

On May 11, 1998:

H.J. Res. 102, Joint Resolution expressing the sense of the Congress on the occasion of the 50th anniversary of the founding to the modern State of Israel and reaffirming the bonds of friendship and cooperation between the United States and Israel.

H.R. 3301, An act to amend chapter 51 of title 31, United States Code, to allow the Secretary of the Treasury greater discretion with regard to the placement of the required inscriptions on quarter dollars issued under the 50 States Commemorative Coin Program.

On June 1, 1998:

H.R. 2472, An act to extend certain programs under the Energy Policy and Conservation Act.

On June 9, 1998:

H.R. 2400, An act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

On February 6, 1998:

S. 1575, An act to rename the Washington National Airport located in the District of Columbia and Virginia as the ''Ronald Reagan Washington National Airport''.

On February 11, 1998:

S. 1349, An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PRINCE NOVA, and for other purposes.

On February 13, 1998:

S. 1564, An act to provide redress for inadequate restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust, and for other purposes.

On March 6, 1998:

S. 927, An act to reauthorize the Sea Grant Program.

On March 9, 1998:

S. 916, An act to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the ''Blaine H. Eaton Post Office Building''.

S. 985, An act to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the ''Larry Doby Post Office''.

On March 20, 1998:

S. 347, An act to designate the Federal building located at 61 Forsyth Street SW., in Atlanta, Georgia, as the ''Sam Nunn Atlanta Federal Center''.

On April 6, 1998:

S. 758, An act to make certain technical corrections to the Lobbying Disclosure Act of 1995.

On April 13, 1998:

S. 750, An act to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes.

On April 21, 1998:

S. 419, An act to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

On April 24, 1998:

S. 493, An act to amend title 18, United States Code, with respect to scanning receivers and similar devices.

On April 27, 1998:

S. 1178, An act to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

9642. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Mediterranean Fruit Fly; Addition To Quarantined Areas [Docket No. 97–056–13] received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9643. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—Popcorn Crop Insurance Regulations, and Common Crop Insurance Regulations, Popcorn Crop Insurance Provisions (RIN: 0563–AB48) received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9644. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tobacco Inspection; Growers' Referendum Results [Docket No. TB–97–16] received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9645. A letter from the Assistant Secretary of State for Legislative Affairs, Department of State, transmitting on behalf of the Secretary of State, the Annual Report on the Panama Canal Treaty for Fiscal Year 1997, pursuant to 22 U.S.C. 3871; to the Committee on National Security.

9646. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Antiterrorism Training [DFARS Case 96–D016] received June 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

9647. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contract Distribution to Defense Finance and Accounting Service Offices [DFARS Case 97–D039] received June 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

9648. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contractor Use of Nonimmigrant Aliens-Guam [DFARS Case 97–D318] received June 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

9649. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Private Organizations on DoD Installations [DoD Instruction 1000.15] (RIN: 0790–AG53) received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

9650. A letter from the Under Secretary for Personnel and Readiness, Secretary of Defense, transmitting the report on sexual harassment complaints filed pursuant to Section 591(a), along with the results and timelinesss of investigations concerning those complaints; to the Committee on National Security.

9651. A letter from the Secretary of the Treasury, transmitting the annual report on the operations of the Exchange Stabilization Fund (ESF) for fiscal year 1997, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Banking and Financial Services.

9652. A letter from the Deputy Under Secretary of Defense, International and Commercial Programs, Department of Defense, transmitting describing the activities of the Defense Production Act (DPA) Title III fund for Fiscal Year 1997; to the Committee on Banking and Financial Services.

9653. A letter from the Acting Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting notice of the Final Funding Priorities for Fiscal Years 1998–1999 for three Rehabilitation Research and Training Centers and four Rehabilitation Engineering Research Centers, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

9654. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Notice of Final Funding

Priorities for Fiscal Years 1998–1999 for Certain Centers— received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9655. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Safety Of Nuclear Explosive Operations [DOE O 452.2A] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9656. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Departmental Materials Transportation And Packaging Management [DOE O 460.2–1] received June 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9657. A letter from the CFO & Plan Administrator, First South Production Credit Association, transmitting the annual report of the Production Credit Association Retirement Plan for the year ending December 31, 1997, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

9658. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Voluntary Early Retirement Authority (RIN: 3206–AI25) received June 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

9659. A letter from the Secretary of Transportation, transmitting a report on Air Cargo Security, pursuant to Public Law 104—264; to the Committee on Transportation and Infrastructure.

9660. A letter from the Chair, Medicare Payment Advisory Commission, transmitting the report entitled ''Context for a Changing Medicare Program''; jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PACKARD: Committee on Appropriations. H.R. 4059. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–578). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 471. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes (Rept. 105–579). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 472. Resolution providing for consideration of the bill (H.R. 3097) to terminate the Internal Revenue Code of 1986 (Rept. 105–580). Referred to the House Calendar.

Mr. MCDADE: Committee on Appropriations. H.R. 4060. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–581). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 463. Resolution to establish the Select Committee on U.S. National Security and Military/Commercial Concerns With the People's Republic of China; with an amendment (Rept. 105–582). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHUSTER (for himself and Mr. DUNCAN):

H.R. 4057. A bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SHUSTER (for himself, Mr. DUNCAN, and Mr. LIPINSKI):

H.R. 4058. A bill to amend title 49, United States Code, to extend the aviation insurance program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PACKARD:

H.R. 4059. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

By Mr. MCDADE:

H.R. 4060. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes.

By Mr. COLLINS (for himself, Mr. MCINTYRE, Mr. BARTLETT of Maryland, Mr. DIXON, Mr. BONILLA, Mr. KNOLLENBERG, and Mr. HOLDEN):

H.R. 4061. A bill for the relief of the survivors of the 14 members of the Armed Forces and the one United States civilian Federal employee who were killed on April 14, 1994, when United States fighter aircraft mistakenly shot down 2 helicopters in Iraq; to the Committee on the Judiciary.

By Mr. LEACH:

H.R. 4062. A bill to provide for the study of derivatives regulation, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committees on Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA:

H.R. 4063. A bill to amend the Rehabilitation Act of 1973 to provide for research and development of assistive technology and universally designed technology, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REDMOND (for himself, Mrs. CHENOWETH, Mr. CRAPO, Mr. SKEEN, Mr. TOWNS, Mr. CONDIT, Mr. ROMERO-BARCELO, Mr. HASTINGS of Florida, Mr. WATTS of Oklahoma, Mrs. MINK of Hawaii, and Mr. CALVERT):

H.R. 4064. A bill to provide for a Native American Veterans' Memorial; to the Committee on Resources.

By Mr. SCARBOROUGH (for himself, Mr. SALMON, Mr. PAXON, Mr. SOUDER, Mr. ENSIGN, Mrs. CHENOWETH, Mr. HAYWORTH, Mr. CHRISTENSEN, and Mr. NEUMANN):

H.R. 4065. A bill to suspend collections for the connection of schools and libraries to the Internet, and for other purposes; to the Committee on Commerce.

By Mr. SMITH of New Jersey:

H.R. 4066. A bill to prohibit States from imposing a family cap under the program of temporary assistance to needy families; to the Committee on Ways and Means.

By Mr. TAUZIN (for himself and Mr. MARKEY):

H.R. 4067. A bill to establish the Commission for the Future of Public Broadcasting and authorize appropriations for the Corporation for Public Broadcasting, and for other purposes; to the Committee on Commerce.

By Mr. YOUNG of Alaska:

H.R. 4068. A bill to make certain technical corrections in laws relating to Native Americans, and for other purposes; to the Committee on Resources.

By Mr. SABO (for himself, Mr. VENTO, Mr. OBERSTAR, Mr. RAMSTAD, and Mr. PETERSON of Minnesota):

H.J. Res. 122. A joint resolution proclaiming Leif Ericson to be an honorary citizen of the United States; to the Committee on the Judiciary.

By Mr. OBEY (for himself, Mr. STENHOLM, and Mr. MINGE):

H. Res. 473. A resolution providing for consideration of H.R. 3580; to the Committee on Rules.

By Mr. RIGGS:

H. Res. 474. A resolution entitled, Boy Scouts of America freedom of Association; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

335. The SPEAKER presented a memorial of the Senate of the State of New Jersey, relative to Senate Resolution 11 urging Congress and the President to terminate the services of Lordship Industries, Inc. of Hauppage, New York as the nation's primary manufacturer of United States Military Medals; to the Committee on National Security.

336. Also, a memorial of the House of Representatives of the State of Oklahoma, relative to House Concurrent Resolution No. 1069 memorializing Congress to direct the United States Consumer Product Safety Commission to adopt an industry standard for bunk beds; and directing distribution; to the Committee on Commerce.

337. Also, a memorial of the House of Representatives of the State of Colorado, relative to House Joint Resolution 98–1039 memorializing that BLM lands continue to be managed to allow for multiple uses in accordance with existing resource management plans until such time as plan amendments have been lawfully adopted; to the Committee on Resources.

338. Also, a memorial of the House of Representatives of the State of Colorado, relative to House Joint Resolution 98–1031 memorializing that the General Assembly endorses the modified Animas-La Plata Project proposed by the two Colorado Ute Tribesand their non-Indian neighbors; to the Committee on Resources.

339. Also, a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to House Resolution No. 11–40 Urgently and respectfully requesting President Bill Clinton and the Legislative leadership of the U.S. Congress to waive and/ or eliminate the matching fund requirements being provided or granted under the Covenant to help foster and expedite infrastructure development in the CNMI; to the Committee on Resources.

340. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 16 memorializing the Congress of the United States to support and adopt legislation to provide for the sharing of revenues generated through mineral exploration on the federal Outer Continental Shelf with coastal states and territories pursuant to a formula recommended by the Outer Continental Shelf Policy Committee; to the Committee on Resources.

341. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 35 memorializing the Congress of the United States to support and adopt legislation to provide for the sharing with coastal states of revenues generated through mineral exploration on the federal Outer Continental Shelf and territories pursuant to a formula recommended by the Outer Continental Shelf Policy Committee; to the Committee on Resources.

342. Also, a memorial of the House of Representatives of the State of Colorado, relative to House Joint Resolution 98–1036 memorializing the United States Congress to enact and the President to sign the Aircraft Repair Station Safety Act of 1997; to the Committee on Transportation and Infrastructure.

343. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 42 urging the federal government, who is generating over three billion dollars annually from royalties and lease sales in the Gulf of Mexico, to help fund the necessary infrastructure improvements to access the riches of the Gulf of Mexico; to the Committee on Transportation and Infrastructure.

344. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution 27 memorializing the opposition of any reduction in the budget of the United States Department of Veterans Affairs which may negatively affect the quality of veterans' health care in this State; to the Committee on Veterans' Affairs.

345. Also, a memorial of the House of Representatives of the State of Colorado, relative to House Joint Resolution 98–1020 urging the Congress of the United States to enact legislation to abolish the Internal Revenue Code by December 31, 2000, and to replace it with a new system of federal taxation; to the Committee on Ways and Means.

346. Also, a memorial of the House of Representatives of the State of Ohio, relative to House Resolution No. 397 memorializing the Congress of the United States to enact legislation that sunsets Title 26 of the United States Code, otherwise known as the Internal Revenue Code, and to develop and enact a new tax code for the American people by December 31, 2001; to the Committee on Ways and Means.

347. Also, a memorial of the Senate of the State of Tennessee, relative to Senate Resolution No. 705 urging the Congress of the United States not to take action to mandate competition in the retail or wholesale of electricity without special and careful consideration of the interests of the people of the Tennessee Valley; to the Committee on Ways and Means.

348. Also, a memorial of the Senate of the State of Tennessee, relative to Senate Resolution No. 148 urging the Congress of the United States to address this important issue by not adopting the proposed amendments to the Stark II regulations; to the Committee on Ways and Means.

349. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution 41 memorializing the Congress of the United States to support reauthorization of and funding for the Violence Against Women Act of 1998; jointly to the Committees on the Judiciary and Education and the Workforce.

350. Also, a memorial of the Senate of the State of Wisconsin, relative to Senate Joint Resolution 11 urging President Clinton and the U.S. Congress to uphold the federal government's commitment to accept and take title to civilian spent nuclear fuel on January 31, 1998, through enactment of appropriate funding resolutions and legislation that authorize and fund the development of a federal centralized, temporary storage facility for spent nuclear fuel that will accept spent nuclear fuel between January 31, 1998 and the beginning of commercial operation of the permanent federal nuclear waste repository; jointly to the Committees on Commerce, Transportation and Infrastructure, and Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 146: Mr. DUNCAN.

H.R. 225: Ms. LOFGREN.

H.R. 616: Mr. BORSKI.

H.R. 766: Ms. LEE.

H.R. 836: Mr. DREIER, Mr. FOX of Pennsylvania, and Mr. HILL.

H.R. 979: Mr. ENGEL, Mr. ABERCROMBIE, Mr. BAKER, Mr. MEEKS of New York, and Mr. THUNE.

H.R. 1126: Mr. MARKEY, Mr. SHAW, and Mr. WELLER.

H.R. 1382: Mr. EDWARDS, Ms. LEE, Mrs. THURMAN, Mr. OLVER, Mr. HINCHEY, and Mr. MANTON.

H.R. 1401: Mr. PORTMAN.

H.R. 1531: Mr. SHAYS, Mr. FRANKS of New Jersey, Mr. BILBRAY, and Mr. ROMERO-BARCELO.

H.R. 2023: Mr. SERRANO, Mr. TORRES, Mr. THOMPSON, and Mr. MARKEY.

H.R. 2224: Mr. TORRES.

H.R. 2351: Ms. KAPTUR.

H.R. 2477: Mr. BOSWELL.

H.R. 2509: Mr. BOSWELL.

H.R. 2524: Mr. THOMPSON and Mr. PETRI.

H.R. 2538: Ms. JACKSON-LEE, Mr. BURTON of Indiana, Mr. STUMP, Mr. FOLEY, and Mr. WELDON of Florida.

H.R. 2661: Mr. PEASE, Mr. FOLEY, Mr. HASTINGS of Washington, Mr. HERGER, and Mr. ROGERS.

H.R. 2733: Mr. ABERCROMBIE, Mr. COSTELLO, Mr. THOMAS, Mr. WAXMAN, and Mr. LEWIS of Kentucky.

H.R. 2754: Mr. MARKEY.

H.R. 2868: Mr. HOSTETTLER.

H.R. 2869: Mr. MCINTOSH.

H.R. 2873: Mr. MCINTOSH and Mr. TALENT.

H.R. 2937: Mr. MCCOLLUM.

H.R. 3003: Mr. BRYANT.

H.R. 3107: Mr. SALMON and Mr. INGLIS of South Carolina.

H.R. 3152: Mr. PETRI and Mr. PAUL.

H.R. 3156: Mr. LEACH and Mr. SERRANO.

H.R. 3166: Mrs. NORTHUP.

H.R. 3259: Mr. DOYLE, Mr. FAZIO of California, and Mr. BROWN of Ohio.

H.R. 3304: Ms. WOOLSEY and Mr. WELLER.

H.R. 3499: Mr. STOKES, Ms. FURSE, and Mr. FALEOMAVAEGA.

H.R. 3514: Mr. ROTHMAN.

H.R. 3523: Mr. STUMP, MS. DUNN of Washington, Mr. SPRATT, Mr. BARRETT of Nebraska, and Mrs. CLAYTON.

H.R. 3526: Mr. ROTHMAN.

H.R. 3553: Mr. WAXMAN and Ms. WOOLSEY.

H.R. 3567: Mr. PALLONE, Ms. STABENOW, and Mr. FAWELL.

H.R. 3601: Mr. KLECZKA and Mr. MANTON.

H.R. 3632: Mr. BOEHLERT.

H.R. 3633: Mr. SOLOMON and Mr. OXLEY.

H.R. 3636: Mr. ALLEN.

H.R. 3641: Mr. BOEHNER.

H.R. 3654: Mr. HASTERT and Mr. GUTKNECHT.

H.R. 3682: Mr. COOK, Mr. HEFLEY, and Mr. PAXON.

H.R. 3704: Mr. FARR of California and Mr. PETERSON of Minnesota.

H.R. 3778: Mr. SANDLIN.

H.R. 3783: Mr. SMITH of Texas, Mr. HOBSON, Mr. PETERSON of Pennsylvania, Mr. KASICH, and Mr. BILIRAKIS.

H.R. 3833: Mr. WEXLER, Mr. OLVER, Mr. MARKEY, Mr. CLAY, and Ms. CHRISTIAN-GREEN.

H.R. 3853: Mr. GINGRICH, Mr. HASTERT, Mr. MCCOLLUM, Mr. BARTON of Texas, Ms. GRANGER, Mr. MICA, Mrs. MYRICK, Mr. PAPPAS, and Mr. PETERSON of Pennsylvania.

H.R. 3861: Mr. WATTS of Oklahoma.

H.R. 3862: Mrs. JOHNSON of Connecticut and Mr. ENGEL.

H.R. 3875: Mr. BERMAN and Mr. LANTOS.

H.R. 3888: Mr. GREENWOOD, Mr. ADERHOLT, and Mr. LEWIS of Kentucky.

H.R. 3938: Mr. PAUL and Mr. THOMPSON.

H.R. 3949: Mr. JOHN, Mr. ENGLISH of Pennsylvania, Mr. CAMP, Mr. GREEN, Mr. DOOLITTLE, Mr. CALVERT, Mr. STUMP, and Mr. GILLMOR.

H.R. 3972: Mrs. FOWLER and Mr. SCHUMER.

H.R. 4006: Mr. HOEKSTRA, Mr. CHRISTENSEN, Mr. PITTS, Mr. ISTOOK, Mr. KING of New York, Mr. RAHALL, Mr. WATTS of Oklahoma, Mr. TIAHRT, Mr. LATOURETTE, Mr. STUPAK, Mr. HILL, Mr. HUTCHINSON, Mr. LEWIS of Kentucky, Mr. SMITH of New Jersey, Mr. TALENT, Mr. COBURN, Mr. MCCOLLUM, and Mr. BALLENGER.

H.R. 4007: Mr. DEUTSCH, Mr. CALVERT, Mr. CUNNINGHAM, Mr. MEEHAN, and Mr. STARK.

H. Con. Res. 52: Mr. UPTON, Mr. GOODLATTE, and Mr. WISE.

H. Con. Res. 203: Mr. CRAMER, Mr. TOWNS, Mr. LEVIN, Mr. GREENWOOD, Ms. BROWN of Florida, Mrs. EDDIE BERNICE JOHNSON of Texas, Mr. WATTS of Oklahoma, Mr. MENENDEZ, Mr. WELLER, and Mr. SMITH of New Jersey.

H. Con. Res. 237: Ms. SLAUGHTER and Mrs. MYRICK.

H. Con. Res. 290: Mr. GOODE and Mr. BOSWELL.

H. Res. 37: Mr. FALEOMAVAEGA, Mr. WEXLER, and Mr. THUNE.

H. Res. 312: Ms. LOFGREN and Mrs. LINDA SMITH of Washington.

H. Res. 313: Mr. SHAYS.

H. Res. 401: Mr. MALONEY of Connecticut.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3396: Mr. QUINN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2183

OFFERED BY: MR. DELAY

(To the Amendments Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 78: Add at the end the following new title:

TITLE ___—SENSE OF CONGRESS REGARDING APPOINTMENT OF INDEPENDENT COUNSEL

SEC. ___01. SENSE OF CONGRESS REGARDING APPOINTMENT OF INDEPENDENT COUNSEL TO INVESTIGATE CLINTON ADMINISTRATION.

(a) FINDINGS.—Congress finds as follows:

(1) The Independent Counsel Act (chapter 40 of title 28, United States Code) was designed to avoid even the appearance of impropriety in the consideration of allegations of misconduct by high-level Executive Branch officials.

(2) Section 591(a)(1) of title 28, United States Code, requires the Attorney General of the United States to conduct a preliminary investigation whenever the Attorney General finds specific and credible evidence that a covered person ''may have violated any Federal criminal law ...''.

(3) Under the statute (28 U.S.C. 591(b)), the President is a covered person.

(4) The bribery statute (chapter 11 of title 18, United States Code) prohibits Federal officials, including the President, from receiving any benefit in return for any official action.

(5) Numerous published reports describe circumstances that suggest that President Clinton may have received campaign contributions in return for official government actions he took on behalf of the contributors.

(6) Any such scheme may also violate other statutes including the following sections of title 18, United States Code: section 371 (conspiracy to defraud the United States), section 600 (promising of government benefits in return for political support), section 872 (extortion by government officials), and sections 1341, 1343, and 1346 (mail and wire fraud by defrauding the United States of honest services).

(7) On February 13, 1997, the Washington Post reported that the Department of Justice had obtained intelligence information that the government of the People's Republic of China had sought to direct contributions from foreign sources to the Democratic National Committee (''DNC'') before the 1996 presidential campaign.

(8) In March 1995, Johnny Chung, a Democratic National Committee trustee and a businessman from Torrance, California, brought six officials of the government of the People's Republic of China and its state-owned companies, including Hongye Zheng, Chairman of the China Council for the Promotion of International Trade, and Yang Zanzhong, President of China Petro-Chemical Corp., to hear the President give his regular Saturday radio address.

(9) On March 8, 1995, Johnny Chung came to the First Lady's office in the White House seeking various favors for the officials, including admission to the radio address.

(10) Aides to Mrs. Clinton, Margaret Williams and Evan Ryan, suggested that Mr. Chung could get the favors if he helped Mrs. Clinton with her debts to the DNC for holiday parties.

(11) The next day, Mr. Chung gave Ms. Williams a check for $50,000, and received a lunch in the White House mess, a picture with Mrs. Clinton, and admission to the radio address for himself and the officials. Id. Records indicate that on Friday, March 17, 1995, Mr. Chung donated $50,000 to the Democratic National Committee and on April 12, 1995, he donated an additional $125,000.

(12) In commenting on the solicitation in the White House by the First Lady's aides, Mr. Chung said, ''I see the White House is like a subway: You have to put in coins to open the gates.''

(13) On February 6, 1996, Wang Jun attended a coffee at the White House with President Clinton. Mr. Wang is the head of the state-owned company, China International Trade and Investment Corp. (''CITIC''), a $21,000,000,000 conglomerate, and its subsidiary Poly Technologies. Poly Technologies is the primary arms dealing company for the Chinese military. Mr. Wang gained access to the coffee through Charles Yah Lin Trie, an old Arkansas friend of President Clinton and Democratic Party fund-raiser.

(14) After the Wang visit came to public attention, President Clinton said he remembered ''literally nothing'' about the meeting, but he conceded that it was ''clearly inappropriate.''

(15) Mr. Trie had a number of interesting sources of funds. Among other things, in the spring of 1996, Mr. Trie delivered suspicious donations totaling $789,000 to the President's legal defense fund.

(16) Mr. Trie made the donations on three dates: March 21, 1996, $460,000; April 24, 1996, $179,000; and May 17, 1996, $150,000. These donations have now been returned. Recent reports reveal that most of this money came from members of a Taiwan-based religious sect, Suma Ching Hai. President and Mrs. Clinton knew about these suspicious donations at the time, and they concurred in efforts to conceal them until after the election. Notwithstanding that knowledge, President Clinton continued to grant favors to Mr. Trie.

(17) On April 19, 1996, President Clinton appointed Mr. Trie to the Commission on U.S. Pacific Trade and Investment Policy. On April 26, President Clinton signed a letter to Mr. Trie relating to U.S. policy in putting carriers in the Taiwan Straits.

(18) During 1995 and 1996, Mr. Trie received a series of wire transfers in amounts of $50,000 and $100,000 from the Chinese government's state-owned bank, the Bank of China.

(19) Recent Senate testimony reveals that Mr. Trie received $1,400,000 in wire transfers from abroad from 1994 through 1996. At least $220,000 of this money has been traced into the treasury of the DNC.

(20) Of the total Mr. Trie received from overseas, $905,000 came from Ng Lap Seng, a Macao-based businessman who was Trie's partner and who was also known as Mr. Wu. Mr. Ng is an adviser to the Chinese Communist government. Although he is a foreign national who cannot legally make donations to U.S. campaigns, he gave money through two employees to attend a dinner for big contributors with President Clinton on February 16, 1995.

(21) Returning to Mr. Wang's visit to the coffee with President Clinton, just four days before the meeting, Mr. Wang's arms trading company received special permission to import 100,000 assault weapons, along with millions of bullets, into the United States despite the assault weapons ban.

(22) On the day of the coffee, Democratic fund-raiser Ernest G. Green, another Arkansas friend of the President's, delivered a $50,000 donation to the Democratic National Committee. Mr. Green, a managing director at Lehman Brothers, had never before given such a large contribution to the Democratic Party. Mr. Wang used a letter of invitation written by Mr. Green to obtain a visa for Mr. Wang's trip to the White House for coffee. After delivering the check, Mr. Green met with Mr. Wang before Mr. Wang went to the White House.

(23) Several lengthy reports in the Chicago Tribune and the Washington Post detail the depths of Mr. Wang's international arms dealing activities.

(24) Beginning in the summer of 1994, Federal agents began an undercover sting investigation of Poly's efforts to smuggle weapons into the United States. On March 8, 1996, just a month after Mr. Wang's visit with President Clinton, the President of Poly's U.S. subsidiary, Robert Ma, sold his house in Atlanta and fled the country.

(25) On March 18, 1996, Federal agents surreptitiously seized a Poly shipment of 2,000 AK-47 assault rifles in Oakland, California. These weapons had left China on February 18 aboard a vessel belonging to another state-owned company, the Chinese Ocean Shipping Company (''COSCO''). Id. In May, Federal agents hastily shut down the operation when they learned that the Chinese had been tipped to its existence. The stories indicate that the Department is currently investigating to determine the source of the leak.

(26) Smuggling the weapons into the United States has not harmed the fortunes of COSCO. In April 1996, with the support of the Clinton Administration, COSCO signed a lease with the City of Long Beach, California to rent a now defunct navy base in Long Beach, California. In addition, the Clinton Administration has allowed COSCO's ships access to our most sensitive ports with one day's notice rather than the usual four, and it has given COSCO a $138,000,000 loan guarantee to build ships in Alabama. The Administration has made all of these concessions since the coffee with Mr. Wang. That COSCO participated in the shipment of illegal arms does not appear to have dampened the Administration's enthusiasm in any of these matters.

(27) These circumstances strongly suggest that there was a quid pro quo, and that the contributions from Mr. Chung, Mr. Green, and Mr. Trie, may have come from the Chinese government in return for the various government favors described. The President met directly with the Chinese officials whom Mr. Chung and Mr. Trie brought to the White House, and he knew about the suspicious circumstances of Mr. Trie's donations. If the President knew about a quid pro quo, he may have violated section 201 of title 18, United States Code, and the other statutes cited above.

(28) Mr. Chung has admitted that a large portion of the money he raised for the Democrats originated with the People's Liberation Army in China. He has identified the conduit as a Chinese aerospace executive, based in Hong Kong, who is also the daughter of General Liu Huaqing, who was China's top military commander at the time.

(29) Closely related to the allegations concerning the government of the People's Republic of China are the allegations relating to the Lippo Group.

(30) The Lippo Group (''Lippo'') is a multibillion dollar real estate and financial conglomerate based in Indonesia. The Riady family, an ethnic Chinese family living in Indonesia, owns and controls Lippo. The patriarch of the Riady family is Mochtar Riady. His son, James, has known President Clinton since the late 1970s when he interned with an investment bank in Little Rock, Arkansas. Since President Clinton began his first presidential campaign in 1991, members of the Riady family and Lippo's subsidiaries and executives have contributed more than $475,000 to the Democratic Party and its candidates. Lippo and the Riady family have numerous business interests in China and Hong Kong.

(31) In the early 1980s, John Huang, the former Commerce Department official at the center of this controversy, worked for Lippo in Little Rock at the Worthen Bank, in which Lippo had a large stake. In 1986, Mr. Huang moved to Los Angeles to help run the Lippo Bank, which has had a number of problems with banking regulators. In that role, he became Lippo's chief representative in the United States.

(32) Mr. Huang began raising illegal contributions for the Democratic Party as early as 1992. The recent Senate Governmental Affairs Committee hearings revealed that in August 1992 Huang gave a $50,000 contribution to the DNC through Hip Hing Holdings, a U.S.-based Lippo subsidiary. He then requested and received reimbursement for the

contribution from Lippo's Indonesian headquarters. Senator Lieberman said, ''Here's a clear trail of foreign money coming into United States elections.''

(33) Maria L. Haley, a presidential aide, recommended Mr. Huang for a job at the Commerce Department in October 1993. In January 1994 while he was still an employee of Lippo, Mr. Huang received a top-secret security clearance without a full background check.

(34) On July 18, 1994, he became principal deputy assistant secretary for international economic policy in the Department of Commerce. He received a $780,000 severance payment from Lippo. David J. Rothkopf, the deputy undersecretary of commerce, and Jeffrey Garten, the undersecretary, expressed misgivings about Mr. Huang's suitability for the job. In recent Senate testimony, Mr. Garten said that Mr. Huang was ''totally unqualified'' for the job and that ''he should not be involved in China at all.'' Mr. Rothkopf has said his complaints were to no avail and that he ''got the distinct impression that this was a done deal. But it was unclear to me at what level it was done.'' The Riadys have apparently boasted to friends that they placed Huang in the job.

(35) The Commerce Department now acknowledges that Mr. Huang attended 109 meetings at which classified information might have been discussed. Phone records show that Mr. Huang made at least 70 calls to Lippo during his tenure at the Commerce Department, many of which occurred near the time of the briefings. He had contacts with officials of the Chinese Embassy. Mr. Huang also maintained an office at a private investment firm with Arkansas and Asian ties, Stephens, Inc., where he made numerous phone calls and received faxes and packages during his Commerce tenure.

(36) Mr. Huang began to raise money illegally before he even left the Commerce Department, and the DNC attributed these donations to his wife. In mid-1995, he expressed an interest in going to the DNC to raise funds. DNC Chairman Don Fowler did not think that the move was necessary and took no action.

(37) In September 1995, the President and his closest adviser, Bruce Lindsey, met with Mr. Huang, James Riady, and C. Joseph Giroir, a former law partner of Mrs. Clinton's who was close to the Riadys, regarding Mr. Huang's desire to move to the DNC. The President has acknowledged that he had a role in recommending Mr. Huang for the DNC job, and other former Clinton aides with ties to Asia, including Mr. Giroir, apparently mounted a concerted campaign to bring about Mr. Huang's job there. In December 1995, Mr. Huang moved to the DNC with the title finance vice chairman. After Mr. Huang left, his Commerce Department position was eliminated. Id. Strangely, however, Mr. Huang kept his security clearance long after he left the Commerce Department.

(38) At the DNC, Mr. Huang embarked on an unusual fund-raising drive in which he raised $3,400,000. Of that amount, the DNC has identified $1,6000,000 as being illegal, improper, or sufficiently suspect that it will be sent back to donors. Many of these donations came from fictitious donors and, in at least one case, a dead person. One of the most egregious examples is the $450,000 donated by Arief and Soraya Wiriadinata. Until December 1995 when they left the country, this couple lived in a modest townhouse in Northern Virginia. Mr. Wiriadinata was a landscape architect, and Mrs. Wiriadinata was a homemaker. Despite these modest circumstances, the couple wrote 23 separate checks to the DNC totaling $425,000 from November 9, 1995 until June 7, 1996. However, Mrs. Wiriadinata is the daughter of Hashim Ning, a partner of the Riadys in owning Lippo. Democratic Party officials had concerns about the legality of Mr. Huang's activities as early as July 1996, but they did not remove him from his job.

(39) The Wiriadinatas are not the only conduit through which Lippo money apparently benefited the Clintons. Existing Independent Counsel Kenneth Starr is reportedly investigating whether payments that Lippo made to Webster Hubbell were made to buy his silence in the Whitewater investigation. These payments reportedly included paying for a vacation the Hubbell family took to Bali in the summer of 1994.

(40) One possible quid pro quo for this Lippo money is the possibility that Lippo bought Mr. Huang's position in the Commerce Department as well as the accompanying access to classified information. In addition, during September 1996, the President announced that he was designating 1.7 million acres of Utah wilderness as a national monument. This designation abruptly halted plans to mine the world's largest deposit of clean-burning ''super compliance coal.'' The President made this move with virtually no consultation with people in the affected area of Utah. The second largest deposit of this kind of coal lies in Indonesia, and critics suggest that the designation was made as a reward to Lippo.

(41) If there was a quid pro quo for Mr. Huang's position at the Department of Commerce, his access to classified information, the designation of the national monument, or all three, then there may have been a violation of section 201 of title 18, United States Code, and the other statutes mentioned above. The President's direct involvement includes his participation in the September 1995 meeting at which Mr. Huang expressed his desire to go to the DNC and his participation in the designation of the national monument.

(42) On February 20, 1997, the Wall Street Journal reported that a Miami computer executive with close ties to the government of Paraguay had a number of dealings with the White House.

(43) The computer executive, Mark Jimenez, is a native of the Philippines, and he is a legal resident of the United States. His company, Future Tech International, sells computer parts in Latin America, including Paraguay. He apparently has close ties to the government of Paraguay. Since 1993, Mr. Jimenez and his employees have given over $800,000 to the Democratic Party, the Clinton-Gore campaign, and other private initiatives linked to President Clinton, like the effort to restore the President's birthplace. Mr. Jimenez has visited the White House at least twelve times since April 1994, and on at least seven of these occasions, he met personally with President Clinton.

(44) The timing of some of these donations strongly suggests that there was a quid pro quo. From February through April 1996, Mr. Jimenez and various officials of the government of Paraguay met in the White House with presidential adviser and former chief of staff, Mack McLarty regarding threats to the government of Paraguay. On March 1, the State Department recommended that Paraguay no longer receive American foreign aid because it had not done enough to stop drug smuggling. President Clinton then issued a waiver allowing the continued aid despite the State Department's finding.

(45) On April 22, the military of Paraguay attempted a coup against the President of Paraguay, Carlos Wasmosy. The White House allowed President Wasmosy to take refuge in the American embassy in Asuncion and took other steps to support him. The same day, Mr. Jimenez gave $100,000 to the Democratic National Committee.

(46) In addition, during February 1996, Mr. Jimenez attended one of the now famous White House coffees. Ten days later, he gave another $50,000 to the Democratic National Committee. On September 30, 1996, Mr. Jimenez arranged for a White House tour for a number of business friends who were attending a meeting of the International Monetary Fund. The same day, he sent $75,000 to the Democratic National Committee. The close coincidence of Mr. Jimenez's contributions with the favors he received is highly suspicious. The President's direct involvement includes his calling President Wasmosy to assure him of American support with respect to the coup attempt and his direct participation in the coffee in question. If there was a quid pro quo involved, these incidents may violate section 201, of title 18, United States Code, and the other statutes cited above.

(47) In February, the Washington Post reported that on September 4, 1995, First Lady Hillary Clinton stopped over in Guam on the way to the International Women's Conference in Beijing, China. She ended her visit with a shrimp cocktail buffet hosted by Guam's governor, Carl T. Gutierrez, a Democrat. Three weeks later, a Guam Democratic Party official arrived in Washington with more than $250,000 in campaign contributions. Within six additional months, Governor Gutierrez and a small group of Guam businessmen had produced an additional $132,000 for the Clinton-Gore reelection campaign and $510,000 in soft money for the Democratic National Committee.

(48) In December 1996, the Administration circulated a memo that would have granted a long sought reversal of the Administration's position on labor and immigration issues in a way that was very favorable to businesses in Guam. The story gave the following reason for this shift: Some officials also attribute the administration's support for the reversal to the money raised for the president's reelection campaign. One senior U.S. official said ''the political side'' of her agency had informed her that the administration's shift was linked to campaign contributions. ''We had always opposed giving Guam authority over its own immigration,'' the official said. ''But when that $600,000 was paid, the political side switched.'' United States officials from three other agencies added that they too had been told that the policy shift was linked to money.

(49) Various published reports discussed below indicate that the President was intimately involved in the details of fundraising for his reelection. As President, he ultimately controls the Administration's policy. Thus, if these assertions prove true, a reasonable mind could reach the conclusion that the President knew about and condoned a direct quid pro quo for these policy changes. If he did so, such a quid pro quo would violate section 201 of title 18, United States Code, and the other statutes.

(50) At least three criminal statutes address the use of the White House for political purposes. Section 600 of title 18, United States Code, prohibits the promising of any government benefit in return for any kind of political support or activity. Section 607 of title 18, United States Code, prohibits the solicitation or receipt of contributions for Federal campaigns in Federal buildings. Section 641 of title 18, United States Code, prohibits the conversion of government property to personal use.

(51) During January 1995, President Clinton authorized a plan under which the Democratic National Committee would hold fundraising coffees and sleepovers in the White House. During 1995 and 1996, the White House held 103 of the coffees. To quote the New York Times, ''[t]he documents [released by the White House] themselves make explicit

that the coffees were fund-raising vehicles....[they] also make clear that the Democratic National Committee was virtually being run out of the Clinton White House despite the President's initial efforts after the election to draw a distinction between his own campaign organization and the committee.'' The Los Angeles Times said: ''The result [of the coffees] was not only lucrative, according to some involved, but occasionally bizarre—sometimes the political equivalent of the bar scene in the film 'Star Wars.' The president and vice president were surrounded by rotating casts of rich strangers with unknown motives or backgrounds, including some from faraway places who didn't speak the same language.''

(52) These reports indicate that Democratic Party fundraising staff have said in interviews that they directly sold access to the President and Vice President at the coffees. The New York Times quoted a Democratic fund-raiser's response to a White House denial that there was a requirement for a coffee participant to make a contribution as: ''I don't understand why they continue to deny the obvious.'' The Los Angeles Times quoted a fund-raiser as saying: ''I can't count the number of times I heard, 'Tell them they can come to a coffee with the President for $50,000.' It was routine. In fact, when [staffers] said, 'This is all I can raise,' they were told, 'Keep selling the coffees.'''

(53) In short, these reports make it obvious that the coffees, which President Clinton directly authorized, were nothing but fundraising events. According to the New York Times, the Democratic National Committee raised $27,000,000 from 350 people who attended White House coffees.

(54) President Clinton also entertained 938 overnight guests in the White House during his first term. This, too, became a means of fund-raising. When the original plan to hold coffees was suggested to the President, he not only approved it, but also originated the idea of the overnight visits. On the memo suggesting the plan, he wrote, ''Ready to start overnights right away ... get other names at 100,000 or more, 50,000 or more.'' The New York Times reports that these guests donated $10,210,840 to the Democratic Party from 1992 through 1996. The New York Times said about the President's notation: ''The memorandum to Mr. Clinton and the response from the President show Mr. Clinton's direct involvement in authorizing the fund-raising practices that are now under scrutiny by Congressional and Justice Department investigators.''

(55) At least one document the White House has recently released strongly suggests that President Clinton made telephone solicitations from the White House. The document, written by Vice President Gore's deputy chief of staff, David Strauss, contained the notation, ''BC made 15 to 20 calls, raised 500K.'' Other documents indicate that presidential adviser Harold Ickes also proposed that President Clinton make fund-raising calls. President Clinton has said that he cannot remember whether he made the calls. If President Clinton made these calls from the White House, he may have violated section 607 of title 18, United States Code.

(56) The circumstances of the coffees, the sleepovers, and the possible telephone calls strongly suggest that the President may have violated the following provisions of title 18, United States Code: (1) Section 600 (by promising government access in return for campaign contributions). (2) Section 607 (by soliciting campaign contributions in Federal buildings). (3) Section 641 (by converting Federal property, the White House, to his own private use).

(57) Under the independent counsel statute (28 U.S.C. 591(b)(1)), the Vice President is a covered person. Based on published reports, the Attorney General has sufficient grounds to investigate whether Vice President Gore may have violated Federal criminal law.

(58) On April 29, 1996, Vice President Gore attended a fund-raiser at the Hsi Lai Buddhist Temple in Hacienda Heights, California. This fund-raiser, organized by John Huang, brought in $140,000 for the Democratic National Committee. When the event first came to public attention, the Vice President claimed that the event was intended as ''community outreach'' and that ''[i]t was not billed as a fund-raiser'' and ''no money was offered or collected or raised''. The Vice President made this claim notwithstanding reports that checks changed hands at the event and that virtually everyone else involved thought the event was an explicit fund-raiser.

(59) In January 1997, the Vice President admitted that he knew the event was ''a finance-related event.'' A month later, documents released by the White House revealed that the Vice President's staff had referred to the event as a fund-raiser in making inquiries to the National Security Council staff about the appropriateness of the event. The National Security Council advised that he should proceed with ''great, great caution'', but the Vice President proceeded to go forward with the fund-raiser. This event is apparently now under investigation by a Federal grand jury.

(60) Hsi Lai Temple, if it is like most religious organizations, is a tax-exempt organization under section 501(c) of the Internal Revenue Code. If that is so, it may not ''participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.'' (section 501(c)(3) of the Internal Revenue Code of 1986). By holding such an obviously political event, the Temple violated its tax exempt status, and Vice President Gore actively and enthusiastically participated in that violation. That action may violate section 371 of title 18, United States Code, as a conspiracy to defraud the United States by interfering with the functions of the Internal Revenue Service, and section 7201 of the Internal Revenue Code of 1986, as an evasion of the income tax.

(61) On March 2, 1997, the Washington Post reported thatVice President Gore ''played the central role in soliciting millions of dollars in campaign money for the Democratic Party during the 1996 election'' and that he was known as the administration's ''solicitor-in-chief''. The next day, Vice President Gore held a nationally televised press conference in which he admitted making numerous calls from the White House in which he solicited campaign contributions. He said that he made these phone calls with a DNC credit card. His spokesman later clarified that the card that he used belonged to the Clinton-Gore reelection campaign (statement of Vice Presidential Communications Director Lorraine Voles, dated March 5, 1997). The use of the Clinton-Gore credit card suggests that the solicitations were for ''hard money'' which goes to campaigns rather than ''soft money'' which goes to parties.

(62) Documents that the White House has only recently released reveal that Vice President Gore made 86 fundraising calls from his White House Office. More disturbingly, these new records reveal that Vice President Gore made twenty of these calls at taxpayer expense. This use of taxpayer resources for private political uses may violate section 641 of title 18, United States Code, (converting government property to personal use).

(63) On its face, the conduct to which Vice President Gore admitted appears to be a clear violation of section 607 of title 18, United States Code. Section 607 of such title makes it unlawful for ''any person to solicit ... any [campaign] contribution ... in any room or building occupied in the discharge of official [government] duties....''.

(64) Recent reports have completely undermined these two claims with respect to the calls that Vice President Gore made. The Washington Post on September 3, 1997, reported that at least $120,000 of the money he solicited from his office was ''hard money.''. As the story notes, ''The [hard] money came from at least eight of 46 donors the vice president telephoned from his White House office to ask for contributions to the Democratic National Committee, according to records released by Gore's office.'' The American people should be are deeply troubled by the length of time it took for these records, which have apparently been under Vice President Gore's control, to come to public light. With respect to the second claim, no person has made any claim that Vice President Gore made these calls from any place other than his office, an area clearly covered under section 607 of title 18, United States Code, as a ''room or building occupied in the discharge of official [government] duties.''

(65) The Washington Post also asserted that Vice President Gore made the telephone solicitations ''with an urgency and directness that several large Democratic donors said they found heavy-handed and inappropriate.'' The story quoted two donors as follows: ''Another donor recalled Gore phoning and saying, 'I've been tasked with raising $2,000,000 by the end of the week, and you're on my list.' The donor, a well-known business figure who declined to allow his name to be used, gave about $100,000 to the DNC. The donor said he felt pressured by the Vice President's sales pitch. 'It's revolting,' said the donor, a longtime Gore friend and supporter. Yet another major business figure and donor who was solicited by Gore, and who refused to be identified, said, 'There were elements of a shakedown in the call. It was very awkward. For a Vice President, particularly this Vice President who has real power and is the heir apparent, to ask for money gave me no choice. I have so much business that touches on the Federal Government--the Telecommunications Act, tax policy, regulations galore.' The donor said he immediately sent a check for $100,000 to the DNC.''.

(66) Although the Vice President may legally solicit campaign contributions, it is not legal to exert pressure based on government actions. The bribery statute (section 201(b)(2) of title 18, United States Code) provides that a public official may not ''directly or indirectly, corruptly demand[], [or] seek[], ... anything of value personally or for any other person or entity, in return for: (A) being influenced in the performance of any official act; ...'' In addition, section 872 of title 18, United States Code, prohibits government officials from engaging in acts of extortion. Through the use of untoward pressure, the Vice President may have violated these statutes.

(67) Sufficient specific and credible evidence exists to warrant a preliminary investigation under the independent counsel statute.

(68) The fund-raising disclosures have blown up into the biggest scandal in the United States since Watergate.

(69) This situation is paralyzing the President, preoccupying Congress and fueling public cynicism about our political system.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Attorney General Reno should apply immediately for the appointment of an independent counsel to investigate alleged criminal conduct relating to the financing of the 1996 Federal elections.

H.R. 2183

OFFERED BY: MR. DELAY

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 79: Add at the end the following new title:

TITLE ___—SENSE OF CONGRESS REGARDING FUNDRAISING ON FEDERAL PROPERTY

SEC. ___01. SENSE OF CONGRESS REGARDING APPLICABILITY OF CONTROLLING LEGAL AUTHORITY TO FUNDRAISING ON FEDERAL PROPERTY.

(a) FINDINGS.—Congress finds the following:

(1) On March 2, 1997, the Washington Post reported that Vice President Gore ''played the central role in soliciting millions of dollars in campaign money for the Democratic Party during the 1996 election'' and that he was known as the administration's ''solicitor-in-chief''.

(2) The next day, Vice President Gore held a nationally televised press conference in which he admitted making numerous calls from the White House in which he solicited campaign contributions.

(3) The Vice President said that there was ''no controlling legal authority'' regarding the use of government telephones and properties for the use of campaign fundraising.

(4) Documents that the White House released reveal that Vice President Gore made 86 fundraising calls from his White House office, and these new records reveal that Vice President Gore made 20 of these calls at taxpayer expense.

(5) Section 641 of title 18, United States Code, (prohibiting the conversion of government property to personal use) clearly prohibits the use of government property to raise campaign funds.

(6) On its face, the conduct to which Vice President Gore admitted appears to be a clear violation of section 607 of title 18, United States Code, which makes it unlawful for ''any person to solicit...any (campaign) contribution...in any room or building occupied in the discharge of official (government) duties''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal law clearly demonstrates that ''controlling legal authority'' prohibits the use of Federal property to raise campaign funds.

H.R. 2183

OFFERED BY: MR. DELAY

(To the Amendments Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 80: Add at the end the following new title:

TITLE ___—REPEAL OF MEDIA EXPENDITURE EXEMPTION

SEC. ___01. REPEAL MEDIA EXEMPTION FROM TREATMENT AS EXPENDITURE UNDER FEDERAL ELECTION LAW.

Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by striking clause (i).

H.R. 2183

OFFERED BY: MR. DELAY

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 81: Add at the end of section 301(20) of the Federal Election Campaign Act of 1971, as added by section 201(b) of the substitute, the following:

''(C) EXCEPTION FOR LEGISLATIVE ALERTS.—The term 'express advocacy' does not include any communication which—

''(i) deals solely with an issue or legislation which is or may be the subject of a vote in the Senate or House of Representatives; and

''(ii) encourages an individual to contact an elected representative in Congress in order to exercise the right protected under the first amendment of the Constitution to inform the representative of the individual's views on such issue or legislation.''.

H.R. 2183

OFFERED BY: MR. DELAY

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 82: Strike section 301(20)(B) of the Federal Election Campaign Act of 1971, as added by section 201(b) of the substitute, and insert the following:

''(B) NONAPPLICATION TO PUBLICATIONS ON VOTING RECORDS.—The term 'express advocacy' shall not apply with respect to any communication which provides information or commentary on the voting record of, or positions on issues taken by, any individual holding Federal office or any candidate for election for Federal office, unless the communication contains explicit words expressly urging a vote for or against any identified candidate or political party.''.

H.R. 2183

OFFERED BY: MR. DELAY

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 83. In section 301(8)(C) of the Federal Election Campaign Act of 1971, as added by section 205(a)(1)(B) of the substitute, strike clause (vi) and redesignate clauses (vii) through (x) as clauses (vi) through (ix).

H.R. 2183

OFFERED BY: MR. DELAY

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 84: In section 301(8) of the Federal Election Campaign Act of 1971, as amended by section 205(a)(1)(B) of the substitute, add at the end the following:

''(F) For purposes of subparagraph (C), no communication with a Senator or Member of the House of Representatives (including the staff of a Senator or Member) regarding any pending legislative matter, including any survey, questionnaire, or written communication soliciting or providing information regarding the position of any Senator or Member on such matter, may be construed to establish coordination with a candidate.''.

H.R. 2183

OFFERED BY: MR. DELAY

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 85: In section 301(8)(A)(iii) of the Federal Election Campaign Act of 1971, as added by section 205(a)(1)(A)(iii) of the substitute, strike ''for the purpose of influencing'' and all that follows and insert the following: ''if the value being provided is a communication that is express advocacy.''.

H.R. 2183

OFFERED BY: MR. DOOLITTLE

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 86: Add at the end the following new title:

TITLE ___—TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

SEC. ___01. TERMINATION OF TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.

(a) TERMINATION OF DESIGNATION OF INCOME TAX PAYMENTS.—Section 6096 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 1998.''

(b) TERMINATION OF FUND AND ACCOUNT.—

(1) TERMINATION OF PRESIDENTIAL ELECTION CAMPAIGN FUND.—

(A) IN GENERAL.—Chapter 95 of subtitle H of such Code is amended by adding at the end the following new section:

''SEC. 9014. TERMINATION.

''The provisions of this chapter shall not apply with respect to any presidential election (or any presidential nominating convention) after December 31, 1998, or to any candidate in such an election.''

(B) TRANSFER OF EXCESS FUNDS TO GENERAL FUND.—Section 9006 of such Code is amended by adding at the end the following new subsection:

''(d) TRANSFER OF FUNDS REMAINING AFTER 1998.—The Secretary shall transfer all amounts in the fund after December 31, 1998, to the general fund of the Treasury.''

(2) TERMINATION OF ACCOUNT.—Chapter 96 of subtitle H of such Code is amended by adding at the end the following new section:

''SEC. 9043. TERMINATION.

''The provisions of this chapter shall not apply to any candidate with respect to any presidential election after December 31, 1998.''

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 95 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9014. Termination.''

(2) The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9043. Termination.''

H.R. 2183

OFFERED BY: MR. DOOLITTLE

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 87: Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. TERM LIMITS FOR STAFF DIRECTOR AND GENERAL COUNSEL OF FEDERAL ELECTION COMMISSION.

(a) IN GENERAL.—The first sentence of section 306(f)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(f)(1)) is amended by striking ''by the Commission'' and inserting the following: ''by an affirmative vote of not less than 4 members of the Commission and may not serve for a term of more than 4 consecutive years''.

(b) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply with respect to any individual serving as the staff director or general counsel of the Federal Election Commission on or after January 1, 1999, without regard to whether or not the individual served as staff director or general counsel prior to such date.

H.R. 2183

OFFERED BY: MR. DOOLITTLE

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 88: Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. PERMITTING COURTS TO REQUIRE FEDERAL ELECTION COMMISSION TO PAY ATTORNEY'S FEES AND COSTS TO CERTAIN PREVAILING PARTIES.

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended by adding at the end the following new subsection:

''(e) In any action or proceeding brought by the Commission against any person which is based on an alleged violation of this Act or

of chapter 95 or 96 of the Internal Revenue Code of 1986, the court in its discretion may require the Commission to pay the costs incurred by the person under the action or proceeding, including a reasonable attorney's fee, if the court finds that the law, rule, or regulation upon which the action or proceeding is based is unconstitutional or that the bringing of the action or proceeding against the person is unconstitutional.''.

H.R. 2183

OFFERED BY: MR. DOOLITTLE

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 89: Section 201 is amended by striking subsection (c).

H.R. 2183

OFFERED BY: MR. DOOLITTLE

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 90: Section 201(b) is amended to read as follows:

(b) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

''(20) EXPRESS ADVOCACY.—The term 'express advocacy' means a communication containing express words of advocacy of election or defeat of a candidate, such as 'vote for', 'elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', 'vote against', 'defeat', or 'reject'.''.

H.R. 2183

OFFERED BY: MR. FOSSELLA

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 91: Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. PROHIBITING NON-CITIZEN INDIVIDUALS FROM MAKING CONTRIBUTIONS IN CONNECTION WITH FEDERAL ELECTIONS.

(a) PROHIBITION APPLICABLE TO ALL NON-CITIZENS.—Section 319(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)(2)) is amended by striking ''and who is not lawfully admitted'' and all that follows and inserting a period.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contributions or expenditures made on or after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. GILLMOR

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 92: Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. PROTECTING EQUAL PARTICIPATION OF ELIGIBLE VOTERS IN CAMPAIGNS AND ELECTIONS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et. seq.), as amended by adding at the end the following new section:

''PROTECTING EQUAL PARTICIPATION OF ELIGIBLE VOTERS IN CAMPAIGNS AND ELECTIONS''

''SEC. 326. Nothing in this Act may be construed to prohibit any individual eligible to vote in an election for Federal office from making contributions or expenditures in support of a candidate for such an election (including voluntary contributions or expenditures made through a separate segregated fund established by the individual's employer or labor organization) or otherwise participating in any campaign for such an election in the same manner and to the same extent as any other individual eligible to vote in an election for such office.''

H.R. 2183

OFFERED BY: MR. MILLER OF FLORIDA

(To the Amendment Offered By: Mr. Shays and Mr. Meehan)

AMENDMENT NO. 93: Page 39, line 3, insert ''(a) IN GENERAL.—'' before ''Section''.

Page 41, after line 6, insert the following:

(b) REPORTING AND DISCLOSURE.—

(1) REQUIREMENTS.—Section 201(b) of the Labor Management and Disclosure Act of 1959 is amended—

(1) in paragraph (3), by striking ''$10,000'' and inserting ''40,000'';

(2) by redesignating paragraphs (5) and (6) as (7) and (8), respectively; and

(3) by inserting after paragraph (4), the following:

''(5) a functional allocation that—

''(A) aggregates the amount spent for (i) officer payments, (ii) employee payments, (iii) fees, fines, and assessments, (iv) office and administrative expense and direct taxes, (v) educational and publicity expenses, (vi) professional fees, benefits, (vii) contributions, gifts and grants, and

''(B) specifies the total amount reported for each category in subparagraph (A) and the portion of such total expended for (i) contract negotiations, (ii) organizing, (iii) strike activities, (iv) political activities, and (v) lobbying and promotional activities,;''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on December 31, 2000.

H.R. 2183

OFFERED BY: MR. MILLER OF FLORIDA

(To the Amendment Offered By: Mr. Schaffer of Colorado)

AMENDMENT NO. 94: Page 39, line 3, insert ''(a) IN GENERAL.—'' before ''Section''.

Page 41, after line 6, insert the following:

(b) REPORTING AND DISCLOSURE.—

(1) REQUIREMENTS.—Section 201(b) of the Labor Management and Disclosure Act of 1959 is amended—

(1) in paragraph (3), by striking ''$10,000'' and inserting ''40,000'';

(2) by redesignating paragraphs (5) and (6) as (7) and (8), respectively; and

(3) by inserting after paragraph (4), the following:

''(5) a functional allocation that—

''(A) aggregates the amount spent for (i) officer payments, (ii) employee payments, (iii) fees, fines, and assessments, (iv) office and administrative expense and direct taxes, (v) educational and publicity expenses, (vi) professional fees, benefits, (vii) contributions, gifts and grants, and

''(B) specifies the total amount reported for each category in subparagraph (A) and the portion of such total expended for (i) contract negotiations, (ii) organizing, (iii) strike activities, (iv) political activities, and (v) lobbying and promotional activities,;''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on December 31, 2000.

H.R. 2183

OFFERED BY: MR. PAXON

(To the Amendments Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 95: Add at the end the following new title:

TITLE —UNION DISCLOSURE

SEC. 01. UNION DISCLOSURE.

(a) IN GENERAL.—Section 201(b) of the Labor Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431(b)) is amended—

(1) by striking ''and'' at the end of paragraph (5); and

(2) by adding at the end the following:

''(7) an itemization of amounts spent by the labor organization for—

''(A) contract negotiation and administration;

''(B) organizing activities;

''(C) strike activities;

''(D) political activities;

''(E) lobbying and promotional activities; and

''(F) market recovery and job targeting programs; and

''(8) all transactions involving a single source or payee for each of the activities described in subparagraphs (A) through (F) of paragraph (7) in which the aggregate cost exceeds $10,000.''.

(b) COMPUTER NETWORK ACCESS.—Section 201(c) of the Labor Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431(c)) is amended by inserting ''including availability of such reports via a public Internet site or another publicly accessible computer network,'' after ''its members,''.

(c) REPORTING BY SECRETARY.—Section 205(a) of the Labor Management Reporting and Disclosure Act of 1959 (29 U.S.C. 435(a)) is amended by inserting after ''and the Secretary'' the following: ''shall make the reports and documents filed pursuant to section 201(b) available via a public Internet site or another publicly accessible computer network. The Secretary''.

H.R. 2183

OFFERED BY: MR. PICKERING

(To the Amendments Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 96: Add at the end the following new title:

TITLE ___—PROHIBITING FUNDRAISING ON RELIGIOUS PROPERTY

SEC. ___01. PROHIBITING FUNDRAISING EVENTS ON RELIGIOUS PROPERTY.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''PROHIBITING FUNDRAISING EVENTS ON RELIGIOUS PROPERTY

''SEC. 323. (a) IN GENERAL.—It shall be unlawful for any political committee to sponsor directly or indirectly any event which is held on any religious property for the purpose of raising amounts in support of any political party or the campaign for electoral office of any candidate.

''(b) RELIGIOUS PROPERTY DEFINED.—In subsection (a), the term 'religious property' means any church, synagogue, mosque, religious cemetery, or other religious property.''.

H.R. 2183

OFFERED BY: MR. WHITFIELD

(To the Amendments Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 97: Add at the end the following new title:

TITLE ___—BAN ON COORDINATED SOFT MONEY ACTIVITIES BY PRESIDENTIAL CANDIDATES

SEC. ___01. BAN ON COORDINATION OF SOFT MONEY FOR ISSUE ADVOCACY BY PRESIDENTIAL CANDIDATES RECEIVING PUBLIC FINANCING.

(a) IN GENERAL.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003) is amended by adding at the end the following new subsection:

''(f) BAN ON COORDINATION OF SOFT MONEY FOR ISSUE ADVOCACY.—

''(1) IN GENERAL.—No candidate for election to the office of President or Vice President who is certified to receive amounts from the Presidential Election Campaign Fund under this chapter or chapter 96 may coordinate the expenditure of any funds for issue advocacy with any political party unless the

funds are subject to the limitations, prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971.

''(2) ISSUE ADVOCACY DEFINED.—In this section, the term 'issue advocacy' means any activity carried out for the purpose of influencing the consideration or outcome of any Federal legislation or the issuance or outcome of any Federal regulations, or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations (without regard to whether the activity is carried out for the purpose of influencing any election for Federal office).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. WHITFIELD

(To the Amendments Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 98: In section 323(a) of the Federal Election Campaign Act of 1971, as added by section 101 of the substitute, insert after paragraph (1) the following new paragraph (and redesignate paragraph (2) as paragraph (3)):

''(2) EXCEPTION FOR CERTAIN ACTIVITIES.—Paragraph (1) shall not apply with respect to the use of funds for voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot.''

H.R. 2183

OFFERED BY: MR. WHITFIELD

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 99: In section 323(b)(2)(A)(i) of the Federal Election Campaign Act of 1971, as added by section 101 of the substitute, strike ''120 days'' and insert ''7 days''.

H.R. 2183

OFFERED BY: MR. WHITFIELD

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 100: In section 323(b)(2) of the Federal Election Campaign Act of 1971, as added by section 101 of the substitute, strike subparagraph (A) and insert the following:

''(A) IN GENERAL.—The term 'Federal election activity' means a communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and is made for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).''

H.R. 2183

OFFERED BY: MR. WHITFIELD

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 101: In section 323(b)(2)(B)(i) of the Federal Election Campaign Act of 1971, as added by section 101 of the substitute, strike '', provided the campaign activity is not a Federal election activity described in subparagraph (A)''.

H.R. 2183

OFFERED BY: MR. WHITFIELD

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 102: In section 323(b)(2)(B)(iv) of the Federal Election Campaign Act of 1971, as added by section 101 of the substitute, strike ''only a candidate for State or local office'' and insert ''a candidate for Federal, State, or local office''.

H.R. 2183

OFFERED BY: MR. WHITFIELD

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 103: In section 323(b)(2)(B) of the Federal Election Campaign Act of 1971, as added by section 101 of the substitute, strike clause (v) and insert the following:

''(v) the Federal share of a State, district, or local party committee's administrative and overhead expenses; and''.

H.R. 2183

OFFERED BY: MR. WHITFIELD

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 104: Strike title I (and conform the table of contents accordingly).

In section 307(a), strike ''section 103(c) and section 203'' and insert ''section 203''.

In section 401, strike ''(as amended by section 101)''.

Redesignate section 324 of the Federal Election Campaign Act of 1971, as added by section 401, as section 323.

In section 507, strike ''sections 101 and 401'' and insert ''section 401''.

Redesignate section 325 of the Federal Election Campaign Act of 1971, as added by section 507, as section 324.

H.R. 2183

OFFERED BY: MR. WHITFIELD

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 105: In section 323 of the Federal Election Campaign Act of 1971, as added by section 101 of the substitute, strike subsection (d) and redesignate subsection (e) as subsection (d).

H.R. 2183

OFFERED BY: MR. WHITFIELD

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 106: In section 323 of the Federal Election Campaign Act of 1971, as added by section 101 of the substitute, strike subsection (c) and redesignate subsections (d) and (e) as subsections (c) and (d).

H.R. 2183

OFFERED BY: MR. WHITFIELD

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 107: Add at the end of title I the following new section (and conform the table of contents accordingly):

SEC. 104. INCREASE IN CONTRIBUTION LIMIT FOR CONTRIBUTIONS TO CANDIDATES BY PERSONS OTHER THAN PACS.

Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended by striking ''$1,000'' and inserting ''$3,000''.

H.R. 2183

OFFERED BY: MR. WHITFIELD

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 108: Amend section 102(b) to read as follows:

(b) INCREASE IN AGGREGATE ANNUAL CONTRIBUTION LIMIT FOR INDIVIDUALS.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking ''$25,000'' and inserting ''$50,000''. Add at the end of title I the following new section (and conform the table of contents accordingly):

SEC. 104. INCREASE IN CONTRIBUTION LIMIT FOR CONTRIBUTIONS TO CANDIDATES BY PERSONS OTHER THAN PACS.

Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended by striking ''$1,000'' and inserting ''$3,000''.

H.R. 2183

OFFERED BY: MR. WHITFIELD

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 109: Strike section 201(c).

H.R. 2183

OFFERED BY: MR. WHITFIELD

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 110. Strike section 303 (and redesignate the succeeding provisions and conform the table of contents accordingly).

H.R. 2183

OFFERED BY: MR. WHITFIELD

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 111: Strike section 304 (and redesignate the succeeding provisions and conform the table of contents accordingly).

H.R. 2183

OFFERED BY: MR. WHITFIELD

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 112: In section 3210(a)(6)(A) of title 39, United States Code, as amended by section 503 of the substitute, strike ''during the 180-day period'' and all that follows and insert the following: ''during the 90-day period which ends on the date of the general election for the office held by the Member.''.

H.R. 2183

OFFERED BY: MR. WHITFIELD

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 113: Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. REQUIRING FEDERAL ELECTION COMMISSION TO OBSERVE FIRST AMENDMENT LIMITS IN REGULATORY ACTIVITIES.

Section 307 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d) is amended by adding at the end the following new subsection:

''(f)(1) When developing prescribed forms and making, amending, or repealing rules pursuant to the authority granted to the Commission by subsection (a)(8), the Commission shall act in a manner that will have the least restrictive effect on the rights of free speech and association so protected by the First Article of Amendment to the Constitution of the United States.

''(2) When the Commission's actions under paragraph (1) are challenged, a reviewing court shall hold unlawful and set aside any actions of the Commission that do not conform with the principles set forth in paragraph (1).''.

H.R. 2183

OFFERED BY: MR. WHITFIELD

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 114: Insert after section 601 the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 602. APPLICATION OF STRICT SCRUTINY AS STANDARD FOR REVIEW.

In any action brought to construe the constitutionality of any provision of this Act or any amendment made by this Act, the court may not find the provision or amendment to be consistent with the Constitution of the United States unless the court finds that the provision or amendment carries out a compelling governmental interest in the least restrictive manner possible.

H.R. 2183

OFFERED BY: MR. WHITFIELD

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 115: Amend section 204 to read as follows (and conform the table of contents accordingly):

SEC. 204. REPEAL OF LIMITATIONS ON AMOUNT OF COORDINATED EXPENDITURES BY POLITICAL PARTIES IN CONGRESSIONAL ELECTIONS.

(a) IN GENERAL.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended by striking paragraph (3).

(b) CONFORMING AMENDMENTS.—Section 315(d)(1) of such Act (2 U.S.C. 441a(d)(1)) is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)''.

Strike section 402 (and conform the table of contents accordingly).

H.R. 2183

OFFERED BY: MR. WICKER

(To the Amendments Offered By: Mr. Shays)

AMENDMENT NO. 116: Add at the end the following new title:

TITLE ___—PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING

SEC. ___01. PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING.

(a) IN GENERAL.—Chapter 29 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 612. Prohibiting use of meals and accommodations at White House for political fundraising.

''(a) It shall be unlawful for any person to provide or offer to provide any meals or accommodations at the White House in exchange for any money or other thing of value, or as a reward for the provision of any money or other thing of value, in support of any political party or the campaign for electoral office of any candidate.

''(b) Any person who violates this section shall be fined under this title or imprisoned not more than three years, or both.

''(c) For purposes of this section, any official residence or retreat of the President (including private residential areas and the grounds of such a residence or retreat) shall be treated as part of the White House.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end the following new item:

''612. Prohibiting use of meals and accommodations at white house for political fundraising.''.

H.R. 2183

OFFERED BY: MR. WICKER

(To the Amendments Offered By: Mr. Shays)

AMENDMENT NO. 117: Add at the end the following new title:

TITLE ___—PHOTO IDENTIFICATION REQUIREMENT FOR VOTERS

SEC. ___01. PERMITTING STATE TO REQUIRE VOTERS TO PRODUCE PHOTOGRAPHIC IDENTIFICATION.

Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

''(i) PERMITTING STATES TO REQUIRE VOTERS TO PRODUCE PHOTO IDENTIFICATION.—A State may require an individual to produce a valid photographic identification before receiving a ballot for voting in an election for Federal office.''.

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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of power and providence, we begin this day of work in the Senate with Your assurance: ''I will not leave you nor forsake you. Be strong and of good courage.''—Joshua 1:5–6. You have chosen to be our God and elected us to be Your servants. You are the Sovereign Lord of this Nation and have destined us to be a land of righteousness, justice, and freedom. Your glory fills this historic chamber. Today has challenges and decisions that will test our knowledge and experience. We dare not trust in our own understanding. In the quiet of this moment, fill our inner wells with Your Spirit. Our deepest desire is to live today for Your glory and by Your grace.

We praise You that it is Your desire to give good gifts to those who ask You. You give strength and courage when we seek You above anything else. You guide the humble and teach them Your way. We open our minds to receive Your inspiration. Astound us with new insight and fresh ideas we would not conceive without Your blessing.

Help us to maintain unity in the midst of differing solutions to the problems that we must address together. Guide our decisions. When the debate is ended and votes are counted, enable us to press on to the work ahead of us with unity. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. MACK. Mr. President, this morning, the Senate will begin a period for the transaction of morning business until 10:30 a.m. Following morning business, the Senate will resume consideration of the tobacco bill with a Gorton amendment pending regarding attorneys' fees. It is expected that a time agreement will be reached with respect to the Gorton amendment, with a vote occurring on, or in relation to, the amendment this afternoon. Following disposition of the Gorton amendment, it is hoped that further amendments will be offered and debated during today's session. Therefore, rollcall votes are possible throughout today's session as the Senate continues to make progress on the tobacco bill.

As a final reminder to all Members, the official photo of the 105th Congress will be taken today at 2:15 p.m. in the Senate Chamber. All Senators are asked to be in the Chamber and seated at their desks immediately following the weekly party luncheons. I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the distinguished Senator from Florida, Mr. MACK, is recognized to speak for up to 15 minutes.

Mr. MACK. Mr. President, thank you.

INDIA-CHINA

Mr. MACK. Mr. President, I rise today to express my concern with the handling of United States foreign policy on the eve of President Clinton's second summit with the People's Republic of China. American foreign policy should promote freedom, democracy, respect for human dignity, and the rule of law. It is hard for me to imagine that the President would reward inappropriate actions by the Chinese Communist Party leaders while simultaneously sanctioning the democratic leaders in India.

Over India's 50-year history, U.S. relations have been hot and cold. But we cannot deny the reality that today, India is the largest democracy in the world. India recently held the largest democratic elections in the history of the world. And democracy is more than just a word. We have a common bond with the Indian people based upon a commitment to democracy, freedom, and the rule of law. They are a people who have struggled for freedom from a colonial power in order to gain independence. We share that struggle in our histories.

India has many friends in the United States, and many Americans proudly claim Indian heritage. But our relationship with India has been neglected, and unfortunately, we find ourselves in a difficult bind. Due to India's recent decision to detonate nuclear devices on May 11 and May 13, we have instituted sanctions. I deeply regret the circumstances regarding India's decision to detonate nuclear devices. But the increased instability has been caused by China's proliferation policies, a U.S. foreign policy which favors China over India, and the licensing of technologies by the United States which enhances China's military capabilities.

Let me review some of the facts.

India has broken no international laws or agreements by choosing to test nuclear devices.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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India is not a known proliferator of weapons or weapons technology.

India's 50-year history demonstrates peaceful intent exercised within a democratic society.

India has been a nuclear power since it conducted its first nuclear tests in 1974; this status did not change with last month's tests.

Although not at war, India's borders are considered ''hot spots'' for several reasons.

Since independence in 1947, India and Pakistan have been disputing borders.

Also since independence, India has understood the importance of good relations with China for its own security.

Relations were clouded by China's occupation in 1950 of Tibet, which had been independent until then and served as a stable buffer between the two countries. This occupation brought Chinese expansion to India's border.

India sought renewed cooperative relations on the basis of a policy that recognized Tibet's genuine autonomy under Chinese sovereignty in order to maintain a buffer between India and China.

Relations completely changed, however, following China's military buildup in Tibet beginning in 1956 and 1957. During this period, China began the systematic oppression of Tibetan religion and culture, forcing the mass migration of Tibetans. The Dalai Lama and thousands of Tibetans were given refuge in India in 1959. After forty years, the Tibetan oppression continues, the military occupation of Tibet continues, and nearly 200,000 Tibetans remain in India.

Between 1957 and 1962, India's relations with China were marred by Beijing's huge territorial claims amounting to 50,000 square miles, and its illegal use of force to occupy 15,000 square miles of that claimed area.

Indian attempts to reach a border settlement through negotiations with China failed in 1961, and its attempts to prevent further Chinese encroachment into Indian territory was met by a massive Chinese invasion in 1962.

To this day, China continues to occupy 15,000 square miles of Indian territory in Ladakh and it claims sovereignty over the entire 35,000 square miles of India's Northeastern most province [Arunachal Pradesh]. This source of tension and deep concern has not been removed despite several rounds of Sino-Indian diplomatic negotiations to resolve the border dispute since 1981.

China conducted its first nuclear test in October 1964, within 2 years of the outbreak of the Sino-Indian War. In 1966, China tested its first medium range ballistic missile, and tested again in 1970.

India decided to develop its nuclear weapons program in 1970. It conducted its first tests, declaring its capability to the world, in 1974.

India did not join the Nuclear Nonproliferation Treaty—known as the ''NPT''—in 1968 because the treaty sought to ensure an arms control system that would allow the five powers alone—China, France, the United Kingdom, Russia, and the United States—to possess nuclear weapons. That meant that China, the internally oppressive and undemocratic occupying force on India's border, would be permitted to have nuclear weapons while India, fearful and insecure, would be denied any recourse to such weapons.

India has not signed the Comprehensive Test Ban Treaty because the treaty seeks to prevent India from conducting further tests without limiting China's ability to do the same. Like the NPT, India refuses to join this treaty as a nonnuclear power unless China and the other powers agree to disarm.

Between 1974 and 1998, India experienced sanctions by the United States on nuclear energy, space, computer, and other technologies.

Following India's first nuclear tests in 1974, it did not conduct further tests, until now.

India has not been a proliferator of nuclear weapons and missiles but China, a nuclear power, has proliferated.

Some estimates indicate 90 percent of China's weapons sales go to states which border India. Of particular concern is Chinese proliferation of such weapons and technologies to Pakistan.

Between 1974 and 1998, India has tried to break through the difficulties with China and Pakistan. India had not conducted any further tests, even though China had. India had not illegally proliferated weapons—China had. But India has been denied the same nuclear and technical cooperation which we have accorded to the PRC.

India's commercial electricity needs are among the largest in the world, similar to China's. We have recently signed a nuclear cooperation agreement with the PRC, but maintain restrictions on nuclear power agreements with India.

India's testing in 1974 and in 1998, again, violated no agreements. North Korea expelled international inspectors in 1993, in direct violation of the NPT. We ''rewarded'' the brutal dictatorship in North Korea with a classic appeasement plan—free fuel oil and $4 billion worth of the top of the line nuclear reactors in exchange for their promises to do what they didn't do under an internationally binding agreement.

China may be too preoccupied today to directly threaten India, but they need only employ Pakistan as a surrogate belligerent to jeopardize India's security.

Mr. President, the United States is helping the largest single-party authoritarian government in the world suppress the development of the largest democracy in the world. I submit that China's behavior against students on Tiananmen Square, resistance to freedom and democratic reforms, abysmal human rights record, and dangerous and irresponsible proliferation activities deserve America's scorn more than India's legal actions taken in defense of its own national interests. There is something inherently wrong with sanctioning a democracy legally acting in its perceived national interests while rewarding a single party communist state which threatens regional security in violation of international law.

India watched carefully as the United States has led the world in a policy of engagement with China. From the U.S.-China relationship, India has learned some important lessons. First, look at the rationale the U.S. gives for its policy toward China. We must ''engage'' with China because it is the most populous country, an enormous potential market, a major trading nation, a member of the permanent five at the United Nations Security Council, and China is a nuclear power with a modernizing military. With these qualifications China has been able to get top priority and attention from U.S. Government and business leaders. In spite of posing a potential threat to the United States and being among the world's worst human rights violators, China gets the perks of enormously favorable trade and investment flows and top level diplomatic treatment, including presidential visits, while India gets sanctioned. This makes no sense—it is strange—and it's just wrong.

The United States largely overlooks India despite its 950 million people, its democratic government, and the largest middle class in the world. Demographers predict that India's population will surpass that of China sometime during the next century. Thus, the only attribute India lacks when compared with its sometimes-aggressive neighbor, in this administration's definition of importance, is acceptance into the ''nuclear club.'' The message sent by the Clinton foreign policy team has encouraged India to conclude the most effective way to ensure its interests are protected from an increasingly powerful Asian superpower, and garner greater diplomatic and commercial attention from the West, is to remind the world of its nuclear deterrent capability.

What lessons are we to learn? First, the United States should be more cautious with our definition of ''engagement.'' By overlooking China's proliferation activities—not imposing sanctions when required by law—we are rewarding the wrong behavior. Second, understanding that India considered its security environment to be precarious enough to risk global condemnation and economic sanctions, the U.S. should take a closer look to assess whether India's fears and actions were justified. And finally, we must base our foreign policies upon the principles of freedom, democracy, respect for human dignity, and the rule of law. We must look to our friends first in this endeavor, and work together to ''engage'' those who would oppose freedom in the world. India, along with Japan, Korea, the Philippines, and other Asian democracies should form the foundation

from which our engagement in Asia begins. Working with the democracies of the world, we should engage China and bring the 1.2 billion Chinese people into the community of free nations.

A foreign policy devoid of principle has led us to the point where we are rewarding dictators and punishing democracies. The President's visit to China this month represents another opportunity to define the United States' role in the world. The President must clearly articulate which behavior deserves praise, and which does not. He must demonstrate strong leadership on behalf of the American people. We must all understand, the behavior which the United States rewards is likely to be the behavior we will see more of in the future.

Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask, are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. I ask unanimous consent to speak for up to 8 minutes in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE TOBACCO BILL

Mr. BINGAMAN. Mr. President, let me just say a few words about the tobacco bill which we have been on here for a couple, 3 weeks now in the Senate.

In my opinion, this tobacco bill is a historic piece of legislation. And I have complimented personally the Senator from Arizona, Senator MCCAIN, for his leadership in the Commerce Committee and here on the Senate floor in bringing this bill here and pushing for its enactment. I believe very strongly that when historians look back on the 105th Congress and ask, What did the 105th Congress accomplish? if we are able to pass tobacco legislation, significant tobacco legislation, that will be the single item they will point to as a substantial and major accomplishment by this Congress. So the time we are spending on this tobacco bill is time well spent.

I firmly believe that since I have been here in the Senate—and I have been here now nearly 16 years—during that time there has been a dramatic change in public opinion on the issue of smoking and tobacco use in this country, particularly on the issue of young people beginning to smoke.

What I see this legislation as is an effort to bring our public policy into line with our public opinion, because public opinion has changed dramatically. Our public policy has not changed to the same extent, and we need to get on with the business of changing public policy to mirror and reflect what the American people want to see done. That is why the legislation is so important.

We have spent many hours discussing this legislation. We have had several amendments offered and debated, and several adopted. I think all of that is to the good. And I think anyone who has watched the Senate operate for any period of time would have to acknowledge that, although we have spent substantial time on the tobacco bill, so far we have not seen a concerted effort by the leadership to bring this issue to a close, to bring the debate to a close, to get a defined list of amendments that need to be concluded before we can finish the bill and move on to another item.

So, clearly, that is our agenda for this week. I believe very strongly we can finish this bill this week, or certainly if not this week, we can finish it next week. We owe it to the American people to do that.

I know there are others in the Senate who have different opinions on that. We have heard a lot of public statements over the recent weeks and months about how this bill is dead and how the bill is dead on arrival. And I have thought, if I had a dollar for every statement that has been uttered about how this bill is dead, I would be a rich man today. Mark Twain was famous for his statement that the news reports of his demise were exaggerated. And I think that the news reports about this bill being dead are exaggerated as well.

I think there is ample support here in the Senate to pass this bill. There is ample support in this Senate to pass a strong bill, to send it to conference, and I hope that there is support in the House of Representatives to do the same thing. Time will tell whether that turns out to be the case.

So I believe very strongly we need to go ahead and get a cloture motion filed again. I hope Senator MCCAIN, the lead sponsor of the bill, will take that initiative. I think we need to get a defined list of amendments that still need consideration once that cloture motion is completed, and then we need to go ahead and conclude action on the bill.

I believe the best thing we can do for the American people before the Fourth of July break—and the Fourth of July break will begin the Friday after this Friday—the most important thing we can do for the American people is, prior to that date, going ahead and passing this historic legislation and sending it to conference.

I urge the majority leader to use the power of his position, which is substantial, to move the bill forward. I compliment all my colleagues who have voted for cloture in the previous efforts to bring closure to the debate and to get a limited list of amendments for further consideration. But I urge everyone, this week, to vote for cloture. I hope we can get that done. I hope we can pass a bill with a strong bipartisan vote and send it to conference. I think the American people will thank us for that action, and we owe that to them.

Mr. DORGAN. I wonder if the Senator from New Mexico would yield?

Mr. BINGAMAN. I am happy to yield to my colleague from North Dakota.

Mr. DORGAN. Mr. President, the Senator from New Mexico makes a point that I feel strongly about. If we don't finish this product now, if we don't get a tobacco bill completed in the Senate, in my judgment, we probably will never get it done.

We have come a long, long ways. We are, I think, close. I don't think there is any question but if the tobacco bill were voted on by the full Senate, it would pass. I don't think there is much question about that.

There are some in the Senate, however, who are intent on trying to kill the legislation. So we have been tied up here in legislative knots, going through some amendments, but going through a process that has led some to conclude that maybe this bill ought to get pulled, maybe we ought to go to something else.

I ask the Senator from New Mexico, as it was stated this weekend by the majority leader that perhaps we have to move to some other legislation, is it the belief of the Senator from New Mexico that if we don't get this bill completed now, it is likely we will never get this piece of legislation?

Mr. BINGAMAN. Mr. President, I respond to the question by just saying I believe we have this week and we have next week. There is no more important activity we can commit that time to than completing action on this bill. I think the momentum for moving ahead on the bill will be lost if we don't get it done before we break for the Fourth of July recess.

Clearly, the notion of giving up on this and moving to another piece of legislation—I don't know of any other piece of legislation that is so urgent or so important that it would justify going off of this bill. I am not aware of anything on the Senate's schedule that would justify that action.

Mr. DORGAN. Mr. President, if the Senator would yield further, I point out that I, and I think a number of others in this Chamber, would resist strongly an attempt to move to some other piece of legislation. That would require a motion to proceed, which obviously some of us would resist strenuously. We think it is important to finish this bill.

I think that some have missed the point. You go through this process and have a debate. Some have missed the point. The point here is about trying to prevent children from smoking in this country and trying to prevent the tobacco industry from targeting kids with their tobacco products. That is not rocket science. We can do that.

The piece of legislation that is before the Senate is a good piece of legislation which has a series of things in it which are very important—smoking cessation programs, counteradvertising programs, prohibitions against advertising in ways that will target children, getting rid of vending machines in areas where children have access to

cigarettes—a whole series of things that try to make certain that in the future we will not have the tobacco industry able to target kids to addict them to cigarettes.

We know every day 3,000 kids start smoking in this country. We know 1,000 of those 3,000 will die. We know 300,000 to 400,000 people in this country die every year from smoking and smoking-related causes. We also know that smoking cigarettes and the use of tobacco products is legal for adults and will always remain legal. No one is suggesting that it be illegal. But we are saying with this piece of legislation that we ought not have a tobacco industry get its new customers from teenagers.

I read yesterday and the day before a whole series of statements we have now unearthed from the bowels of the tobacco companies which demonstrate that they understood that their customers are teenagers, their future customers come from teenagers. If you don't get them when they are young, you don't get them. The industry's own documents suggest that—that if you don't get them when they are kids, almost never will they reach age 30 and try to evaluate, What am I missing from life? come up with the idea they are missing smoking, and go out and start getting addicted to cigarettes. That almost never happens.

I say to the Senator from New Mexico, and I ask him this question, it seems to me we have kind of lost our way here on this bill as it has been on the floor of the Senate for some weeks now. It seems to me that we have, through amendments, gone zigzagging across the landscape here and forgotten what the central premise of this piece of legislation is; that the central premise, is it not, is to try to make certain that we are not having an industry targeting our kids to smoke, and also providing a whole series of steps—smoking cessation programs, investment in health research, counter-advertising, and a range of other things—to try to make sure that will not happen in the future; is that not the case?

Mr. BINGAMAN. Mr. President, I think that is clearly the case.

I think although there have been some far-reaching amendments added to the bill, the central core of the bill remains the same. It remains an effort to deal with the problem of young people beginning to smoke. And, of course, it is a public health issue.

That is the reason I believe this legislation is historic, because it goes directly at dealing with the major public health issue that is before this country today and that can be dealt with. So, I think it is extremely important we move ahead.

I understand there are particular provisions of the bill and particular provisions of some of the amendments that various Members don't like, but it is almost ironic because you hear people come to the floor and support amendments to the bill and then use the fact that those amendments have been adopted as a reason for claiming that the bill is now so loaded down that we can't support the bill. To my mind, the right course is for us to go ahead and pass the bill, consider remaining amendments, adopt those that have the votes there to adopt, pass the bill in that form, get it to conference, and hopefully the House will do the same.

I believe that the same people who are urging me as a Senator to take action on this important public health issue are urging Congressmen from my State to take action on this important public health issue as well. I hope that if we do the right thing before the Fourth of July break, the House will come back in July and do the right thing by passing a responsible bill and then we will be able to get a conference and get something that we can send to the President before we adjourn this fall. That is what is important. We have a historic opportunity here. I hope very much we will rise to the occasion.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, we started debate on this bill weeks and weeks ago here on the floor of the Senate. We started action on this bill months ago in the Commerce Committee. I think we may have forgotten that we started real action nearly a year ago. It was on June 20 of last year that there was an agreement announced between the attorneys general and the tobacco industry. That was the basis that led Congress to act. We are talking 1 year. On June 20 of 1997, the attorneys general entered into an agreement with the tobacco industry.

Here we are, June 16 of 1998, and we still haven't acted. Now some are saying we shouldn't act. The majority leader said over the weekend that he thought this bill was dead. Well, he has said that about every week. About every week there is an announcement by the majority leader, the bill is dead. He said that when it was still in the Commerce Committee, yet it came out of the Commerce Committee on a 19–1 vote.

Mr. President, I remind my colleagues that this has been going on for a year because that has special importance. We are talking about 3,000 young people who take up the habit every day—3,000. Over a year, that is over a million kids who have taken up the habit of smoking and the use of tobacco products.

And we know that one-third of them will die prematurely as a result. That is, over 300,000 children are going to die prematurely because they have taken up the habit in the one year since the settlement between the attorneys general of the various States and the tobacco industry. They entered into an agreement to fundamentally transform policy toward tobacco in this country. And now the question is, Is Congress going to act, or are we going to have an enormous leadership failure here in the U.S. Senate? That is the question.

I don't think anybody wants to have that kind of failure on their hands. The fact is, it is very interesting that when people have a chance to vote, things are much different than when they are just talking with the newspapers. We have seen that over and over and over. In the Budget Committee, in the Finance Committee, when people had a chance to vote, they did vote, and the outcome was often much different than what was predicted.

Let's look at the bill before us. We are talking about seeing the price increase $1.10 a pack over the next 5 years. Why is that important? Well, every single expert that has come and testified, every element of the public health community has said that a significant price increase is important in order to reduce youth smoking. That is not the only part of reducing youth smoking, but it is an important part. Second, we voted on look-back provisions. Look-back provisions are the penalties to be imposed on the industry for the failure to reduce youth smoking in line with the goals provided for in the legislation.

We made a significant change here on the floor of the Senate. Before, most of the fee was going to be charged to the industry on an industry-wide basis. Some of us didn't think that made much sense, because what happens when you do that is you put the good in with the bad. Those companies that have accomplished the goal pay the industry penalty just as those companies who have failed to reach the goal. What sense does that make? That is not fair. Instead, we think most of the fee ought to be placed on the companies which are the ones that failed to meet the goal. They are the ones that ought to be held accountable, the ones that ought to pay, and so that change was made here on the floor.

Third, we dealt with the question of liability. Out of the Commerce Committee, just as in the proposed settlement, there was special protection for this industry—protection never given any other industry in our history. The vast majority of us on the floor of the Senate said, no, that is not right; we should not be giving special protection to this industry. That is not appropriate. So that was changed.

There have been other significant changes on the floor of the Senate. A third of the revenue will now go for tax relief. Some of it is designed to relieve the marriage penalty. In addition, there will be other tax relief as well. So about a third of the revenue now goes for tax relief. Many of us thought it was appropriate to have some of the money go toward tax relief in this package, and now fully a third of it does.

In addition, there are provisions to deal with illegal drugs. That is a matter that is now included in the legislation. Not only are we dealing with tobacco, tobacco products, but also illegal drugs. There are very strong provisions which have now been included in this legislation that relate to that. There is also the question of FDA authority. FDA has been given the authority to regulate this drug as they regulate other drugs in our society.

We still have several matters left to resolve. One is the whole question of agriculture, how tobacco farmers will be treated.

The PRESIDING OFFICER. The time allotted to the Senator has expired.

Mr. CONRAD. How much time is left on our side?

The PRESIDING OFFICER. The Senator from North Dakota, Mr. DORGAN, has 8 minutes remaining.

Mr. CONRAD. Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair.

We have important matters left to resolve. How are tobacco farmers going to be treated? What are we going to do about the question of attorneys' fees. Obviously, none of us wants to see attorneys unjustly enriched by these tobacco settlements. In the underlying bill, the McCain bill, which came out of the Commerce Committee on a 19–1 vote, they provided for arbitration. Many of us think that is the best way to resolve this matter—to have parties get together and resolve, on an arbitration basis, differences over attorneys' fees so attorneys are not unjustly enriched by these settlements.

Mr. President, most important is that I think we ought to stay on this bill until it is finished. We have spent 3 weeks of the Senate's time so far on this legislation. Let's finish the course. Let's get this bill resolved. I think that makes sense. I think it would be an enormous leadership failure if this Senate didn't take final action on this legislation. Some are saying the House isn't going to have a bill. Well, none of us can tell that until we act. We have taken a lead on this question in the U.S. Senate; we ought to complete our action and then let the House decide what it does. Let them be accountable for their action—or their failure to act.

Mr. President, I hope we will stay on this bill until we finish this bill. That ought to be our message. The reason is very important. We have delay, and this delay is costing people's lives. As I indicated, we are in a circumstance in which, since the industry entered into a settlement with the attorneys general nearly 1 year ago, 1 million kids have taken up the habit. Fully a third of them are going to die prematurely—over 300,000 young people.

Let me just close by saying the tobacco companies tell you in their paid advertising—they describe this bill in unfavorable terms. Let's remember their background. They have misrepresented this issue repeatedly.

I thank the Chair.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from North Dakota, Mr. DORGAN, is recognized.

Mr. DORGAN. Mr. President, let me take another minute or so of my time. I know the Senator from Kansas wishes to seek the floor.

Virtually everything we do represents a series of choices. We have a choice now here in the Senate; we can choose to succeed, or we can choose to fail on this tobacco legislation. As Senator CONRAD has indicated, we have come a long way, and we have had people all along the way who are detractors. I can remember how controversial it was just to put a warning label on the side of a pack of cigarettes. Do you remember how controversial that was? It was the right thing to do, obviously. Would someone vote now to take the warning label off? I don't think so.

The legislation before the Senate is very important. We as Senators and as a body can choose to succeed or fail. To those who want to choose to fail and say this bill cannot become law, we are going to pull the bill and go to something else, we simply want to say that some of us will resist that with great effort. We will resist every decision to move to other legislation before we complete work on this legislation. We hope the bipartisan leadership of the Senate will decide that this bill is important enough to finish, and it can be finished, in my judgment, this week or next week. We have traveled too far a distance on this to fail in the final week on a piece of legislation this important to our country.

Mr. President, I yield the floor.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER. The Senator from the State of Kansas.

NATIONAL SECURITY AND ECONOMIC WELL-BEING

Mr. ROBERTS. Mr. President, in his remarks in this body last Friday, our colleague from Nebraska, the distinguished Senator, Mr. HAGEL, issued what I considered to be a most important wake-up call to this body.

Senator HAGEL said:

> I am very concerned that this Congress is not paying enough attention to what is going on around the world. I am concerned that we are not linking it, we are not interconnecting the dots. I find it remarkable that on the floor of the U.S. Senate, over the last few weeks, we have been consumed with billions of dollars of new taxes and building a larger government when essentially half of the world is burning.

And Senator HAGEL went on to say:

''I hope that our colleagues take a serious look at what is going on around the world,'' and he cited the ever worsening Asian economic crisis—it now also threatens China; a serious recession in Japan; the immense and growing economic problems in regard to Russia; the resulting loss of investor confidence in world markets; and a very direct signal to all of us that ''something is wrong.'' That certainly has been reflected in the recent decline in the stock market.

Mr. President, one thing that certainly is wrong is the inordinate amount of time that we are spending on tobacco legislation. I think the majority leader was certainly right when he said yesterday—and to a certain extent I agree with my colleagues who have just spoken before me on the floor—that we need to either end debate, or pass the bill, or actually defeat the bill, or set the bill aside.

It is not my intent to discuss the merits of what has evolved out of the tobacco briar-patch debate. I want to say that I personally support—strongly support—the efforts to address the problem of teenage smoking and addiction. I do not question the intent of supporters of what has been produced so far. But I do believe the bill has serious flaws and we have gone far afield from the original goal, more especially in regard to the problem of teenage smoking and addiction. And I would say that as we each individually shine the light of truth into the darkness in debating the tobacco bill, let us remember that our flashlights are somewhat dimmed by partisan overtones and personal finger pointing.

If Nero fiddled while Rome burned, the Senate has certainly huffed and puffed for weeks on a tobacco bill—I am not trying to perjure it—while issues of national and economic security are not being addressed.

As we debated yet another tobacco amendment yesterday, warplanes from the United States and Europe roared over the mountains of Albania and Macedonia, a direct threat to Serbian leaders to end the growing and expanding violence around Kosovo.

Twenty-seven U.S. warplanes took part in the 6-hour exercise that was called Determined Falcon. I don't know how determined that Falcon is. Three hundred and fifty U.S. soldiers are already stationed in Macedonia. NATO commanders have been asked to propose additional contingency operations.

The only response that I am aware of that has come from the Senate in regard to the growing possibility that we become directly involved in yet another ethnic civil war—an expansion of Bosnia—is the warning delivered by the distinguished chairman of the Appropriations Committee, Senator STEVENS, to Secretary of State Madeleine Albright in a recent briefing just last week.

The chairman pointed out that our military is already stretched, it is stressed, it is overcommitted, and we simply do not have the men and women and material to do that job. We have an urgent need to increase our commitment to national security.

We have an urgent need to act on the defense authorization bill so we can do

that, and so we may discuss and debate and act on our involvement in Bosnia, in the Gulf, and in Kosovo. Every single day that this stalemate on tobacco legislation continues, a pay raise is held up for America's fighting men and women around the world who continue to suffer from low morale and a lack of interest in reenlistment.

Mr. President, I have heard there could be some 90 amendments to the defense authorization bill raising matters the Senate should address. We have the potential nuclear confrontation between India and Pakistan, the administration's nonproliferation policy, and the impact of ill-advised sanctions. Sanctions? Sanctions? My word, as the Senator from Nebraska pointed out in his remarks on Friday, we have sanctions on over 70 nations around the world involving two-thirds of the world's population. Our exports have declined. We have a growing crisis in agriculture, as referred to by the Senator from North Dakota, the ''stealth crisis.'' It is no stealth. It is real. We must address that problem.

As a result of sanctions, agriculture is going through a necessary hardship. And we have all sorts of problems in farm country—not only in the northern plains. We have disease, we have overproduction in other parts of the world, we have declining exports, we have unfair trading practices, and we have a trade policy that is yet to be determined. We have a real problem in farm country.

We can address the sanctions bill in the agriculture appropriations bill, which is waiting in the tobacco wings. In that bill we have the sanctions reform legislation of Senator LUGAR, the distinguished chairman of the Senate Agriculture Committee, more especially in regards to Pakistan and India, and key agricultural exports programs. We need to act. We need to act, Mr. President.

From that standpoint, I would be happy to yield to the distinguished Senator from Nebraska for any comments he would make. I thank him for issuing a wake-up call to the Senate as of last Friday.

I yield to the Senator.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Thank you, Mr. President. I thank my friend and colleague from Kansas.

Mr. President, Senator ROBERTS has touched upon some of the most important core issues in the debate that we have had over the last 4 weeks on the tobacco bill.

I would find it interesting again to recite what has really happened in the world since we began consideration of the tobacco bill on Monday, May 18th. This is our fourth week now on the debate on this bill.

What has happened in the course of the last 4 weeks is we have seen India and Pakistan test for nuclear explosions, we have seen a new wave of an Asian market crisis begin, we have seen Asian stocks plummet, we have seen the Japanese yen drop precipitously, and leading now to China's warnings that it may devaluate its currency. We have also found Japan officially entering a severe recession, the first since the early 1970s.

As my distinguished colleague from Kansas referred to a few minutes ago, Kosovo has erupted into flames with NATO exercises now fully engaged on the borders of Albania and Kosovo. There is a very real possibility of a war spreading further south into the Balkans, engaging Macedonia, Greece, and other nations.

Russia has entered a severe economic problem.

Our U.S. agricultural foreign markets are shrinking due to economic problems.

Abroad U.S. exports are down.

And, as my friend from Kansas pointed out, we have a military that for the 15th year in a row finds its budget dropping, all at the same time that we are asking our military to do more with less—more deployments, longer deployments.

Something, Mr. President, is going to have to give here.

But what has the Senate done? The Senate continues to talk about higher taxes and more government and more regulation. We let all of these other important issues that affect every American, our future, and the course of the world hang suspended like it is not there. We ignore these issues. We ignore these issues at our peril and at the world's peril.

This U.S. Senator is ready to say let's move the tobacco bill caucus off the track, and let's get to what is real in this country. Let's get to the real issues facing our Nation—not just the farmers and the ranchers in Nebraska, and exporters all over the world, but our national defense issues, our trade policy, the sanctions issues, and all of the other issues that we have talked about. That is what is real.

That is what the greatest deliberative body in the world should be dealing with and talking about—not increasing taxes by hundreds of billions of dollars and bringing to the American people more government and more regulation.

I again appreciate very much the thoughts and comments of my distinguished colleague from Kansas, Senator ROBERTS, and his remarks.

I yield the floor.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes 45 seconds remaining.

Mr. ROBERTS. I shall not take all of the time.

I want to thank my distinguished friend and colleague for his contribution. I want to pay particular credit to Senator HAGEL for his work in enabling the Senate to move on IMF legislation. The Senator worked extremely hard with leadership of the Congress on both sides to implement serious reforms in the IMF bill, and to move ahead with the IMF bill. I hope the House of Representatives will simply address that legislation.

The Senator mentioned the most-favored-nation status for China, which is simply regular trading status that is exceedingly important. I have already indicated my concern about sanctions reform.

I think we ought to move on fast-track legislation. I was talking to the majority leader yesterday and he agrees with that. There are going to be 12 major farm organizations and commodity groups coming to the Hill to visit with us on Thursday. We would like to change the whole attitude and the whole situation in regard to trade.

It seems to me if we could really recommit to that, it would be most helpful—especially in agriculture. Our whole economy relies on exports. I have never seen this Congress more insular, more protectionist, and more consumed with legislation that tends to be either ideological or attempts to legislate morality. It is just as important to prevent bad legislation from passing as it is to enact good legislation. And I am not trying to point any fingers at any Member who has strong feelings about tobacco legislation. I do. I have youngsters who are teenagers, and I am concerned about this just as much as every Member of the Senate, but this has gone far afield from a bill to really direct itself at real answers to teenage smoking and addiction. And, in the meantime, we have these problems that are extremely serious.

And so I would simply quote again the majority leader who is not trying to perjure the bill. He was right when he said, ''We must end debate. Either pass, defeat, or set the bill aside.'' And let's move and get on with the business that directly affects the livelihood and the pocketbook of virtually every American when things such as world peace are hanging in the balance.

Mr. HAGEL. If my colleague will yield for a moment.

Mr. ROBERTS. I would be happy to yield.

Mr. HAGEL. I would like to report on a comment made this morning by a senior World Bank official warning of a looming global recession. He says, ''We are probably at the end of the first cycle of a crisis and we are entering into a deep recession. And you could even use the term 'depression'.''

The point here is IMF funding and MFN status and fast track, all of these combine together to be essential components of a trade policy, of a foreign policy, of a national defense policy that directs this Nation and directs the world. We can't just pick and choose—maybe this, maybe not this. But it has to be debated and viewed and acted on in total. So I appreciate again my colleague's comments on this, and I yield.

Mr. ROBERTS. In closing, I am reminded of an old Mills Brothers' tune—that really dates me—and it was, ''I Don't Want to Set the World on Fire.'' I want to make it clear, I don't want to set the tobacco bill on fire; I just want to light a flame in the heart of our national security and our economic well-being. And with that rather dubious reference as to what we are about, Mr. President—we need to act on other matters—I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, may I inquire how much time is remaining in morning business?

The PRESIDING OFFICER. There are 7 minutes remaining in morning business.

Mr. CRAIG. Mr. President, then I will use some of that time. I thank the Chair.

THE TOBACCO BILL

Mr. CRAIG. Mr. President, I certainly want to echo the statements of my colleagues from Kansas and Nebraska about the importance of dealing with our agricultural situation in this country. Last week, in my State of Idaho, wheat hit $1.90 as a result of the impact of the sanctions that are being imposed by this administration in reaction to laws that were passed by Congress a good number of years ago.

I say this this morning to refocus us to understand that much of what we need to do is not getting done. Now, my colleagues on the other side, I have a feeling, would like to spend a lot more time on the tobacco issue. Somehow they think they are gaining points in the political arena that is warming up out there for many of our colleagues in the coming days through to November. I would like to suggest they look at the polling data of recent, that they talk with the American people just a little bit, that they ask teenagers in this country where the real problems are, and maybe they would agree with us that it is time we deal in some degree of finality with S. 1415, the tobacco bill.

I know it is great politics, or at least many thought it was great politics, to be antitobacco, anti-teen smoking, and to raise a heck of a lot of money to do a lot of different things from the government level. It is important that this Congress be anti-teen smoking. It is important that we express our frustration and, if necessary, our anger with the tobacco companies on what they have done, and I think we can do that and should do that. But you do not do it by sucking the life out of lower-income Americans, raising taxes, shoving this commodity that we dislike into the black market and saying you have solved the problem by creating great new bureaucracies that we know will spend the money and get very little done.

For the moment, let's do a reality check. We have been debating this bill now for upwards of 3 weeks. We have been adding a lot of amendments. Everybody has been pounding their chest on all of the good things we are going to do if we pass the bill. Here are the good things we have not done. Let me analyze for you the revenue flow over this multibillion-dollar bill.

S. 1415, major revenues: 5 years, $55-plus billion; floor amendments costing $35 billion; original 1415 spending, $65 billion; total spending commitments, $100 billion.

Whoops, Mr. President, whoops. We have already overspent $35 billion in the first 5 years. What does that tell you about a Congress that is trying to be fiscally responsible and balance its budget? When it comes to feeding at the trough of American politics, we do not care, do we? Or at least somebody does not care, because S. 1415 is now badly out of line with the revenues it proposes and the moneys it plans to spend.

By this action, is this Senate proposing that we raise another $35 billion or $40 billion over the next 5 years in revenues to fund all of these great new government programs that are going to take all of our kids off smoking, or at least 35 or 45 or 55 or 60 percent over the next decade? Have we talked to our kids recently about that? Have we asked teenage America that if we raise the price of a pack of cigarettes another $2 a pack or $3, are they going to quit smoking?

Well, I will tell you they don't think so. Neither do their parents. Last week, I was in the Chamber with a poll by the American Viewpoint polling group, a reputable group. You have read the poll. It has been talked about in the national press. Fifty-nine percent of the parents recognize that peer pressure and friends of their teenage sons and daughters are those who are the greatest influence on them when it comes to smoking.

Guess what the biggest problem is out there. It is not smoking. It is drugs. It is the concern by our parents, the parents of America that their kids might somehow get associated with drugs. Why? Because drugs kill immediately. That is why. And that is the greatest concern. And yet we have stumbled down the road for 3 weeks and done one good thing: convinced the American people that we are slipping back into our old, bad habits of big government and great programs and lots of new money to spend. And in the meantime, they have become convinced that the bill before us ought to be defeated by a great number. That is the reality of what we are doing.

Let me close by saying one more time, S. 1415 over the 5-year period has a deficit in money now of $35 billion. Is the other side proposing to raise that in new taxes in some form from the working men and women of this country to fund the panacea of big, new government? I hope they do not. I will not vote for that.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. THOMAS). Morning business is now closed.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent, with the indulgence of my colleagues, that I be allowed to speak for 5 minutes as in morning business.

Mr. GORTON. Mr. President, reserving the right to object, I will not have any objection. The Senator from Minnesota was most generous with me last night. He did not have an opportunity to finish his remarks. I am happy to have him do so before we start.

The PRESIDING OFFICER. Without objection, the Senator from Minnesota is recognized for 5 minutes.

Mr. WELLSTONE. Mr. President, I thank my colleague from Washington for his graciousness.

LOW-LEVEL RADIOACTIVE WASTE COMPACT

Mr. WELLSTONE. Mr. President, last night, I spoke about the Texas/Maine/Vermont Compact bill, H.R. 629, that is now going to conference committee. It has to do with low-level radioactive waste being dumped in the community of Sierra Blanca, TX. It is a compact between Maine and Vermont that affects the people of Sierra Blanca.

Last night, we sent instructions to conferees to insist on two amendments that had been agreed upon by the Senate. One amendment says that if the people of Sierra Blanca, disproportionately poor and Latino, are able to prove disparate impact—that they are disproportionately affected, that they have been targeted because of low income, because they are a poor community, because of the color of their skin—then they have every right to challenge the dump. I don't know why we don't at least give people that chance. That amendment has now been approved by the Senate. It is terribly important, because all too often when it comes to the location of these sites, we dump them—no pun intended—right on the heads of poor people and communities of color.

The second amendment—and I had a chance to speak about this last night—I call a protection clause. It is very similar to the amendment offered by Congressman DOGGETT which passed in the House. Basically, it says that if the compact waste is only supposed to come from Maine and Vermont, then let's affirm this with an amendment which makes it clear that the waste will only come from Maine and Vermont. Otherwise, there is a very good chance that the people of Hudspeth County and Sierra Blanca will become a national depository for nuclear waste from all over the country. That is the last thing I think the people in Texas

want. That is certainly the last thing that the people in the community of Sierra Blanca want.

The reason I mention both of these amendments is that we now have instructions to our conferees to insist on these amendments in conference committee. This is a battle that has been going on for over a year in the Senate. I raised questions about this starting a year ago. What I said was that, as a Senator from Minnesota, I am concerned about this issue of environmental injustice and, if we have to approve this compact, let us make sure there is some fairness to this and some justice to it.

My colleagues in the Senate have gone on record in favor of both of these amendments. The House of Representatives has gone on record as being in favor of the Doggett amendment, which is also a Wellstone amendment, that says, indeed, the waste will only come from Maine and Vermont.

As we go to conference, I want to emphasize one point to my colleagues, and that is, don't strip these amendments from this bill in conference committee. That is what the nuclear utilities would like conferees to do, but it will make a mockery of the House and Senate. It will, in fact, give people not only in Texas but from around the country reason to think this is another example of a back-room deal, another example of the legislative process at its worst, another example of big utility companies riding roughshod over poor communities and, for that matter, regular citizens in this country.

I want to make it clear to colleagues that it is extremely important that the conferees live up to our instructions and that these amendments become part of this bill. If they do not, it will be a striking example of unequal access to political power, which is, I think, the reason we have too much environmental discrimination all across the country in the first place.

I make this plea to my colleagues, to the conferees: We have voted to keep these amendments in this bill. The Senate is on record unanimously as saying that these amendments should be part of this compact and therefore it is extremely important that these amendments not be stripped out. The issue of environmental justice deserves better than that, the people of Sierra Blanca deserve better than that, and people in our country have a right to expect a higher standard of conduct from their elected representatives than to try to knock this out in the dark of night.

I say to colleagues, I have tried to work with my colleagues, even those who are in disagreement with me. But if these amendments are taken out of the conference committee—and I hope that they will not be, I pray that they will not be—but if they are, I will take advantage of every procedural means at my disposal to make sure that this does not happen, and to make sure that there is some environmental justice when it comes to this compact which all of us are going to have to vote on as Members of the U.S. Senate.

I thank my colleague from Washington for letting me have an opportunity to speak from the floor to give colleagues a sense of where we are on this compact. I yield the floor.

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1415, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1415) to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Gregg/Leahy amendment No. 2433 (to amendment No. 2420), to modify the provisions relating to civil liability for tobacco manufacturers.

Gregg/Leahy amendment No. 2434 (to amendment No. 2433), in the nature of a substitute.

Gramm motion to recommit the bill to the Committee on Finance with instructions to report back forthwith, with amendment No. 2436, to modify the provisions relating to civil liability for tobacco manufacturers, and to eliminate the marriage penalty reflected in the standard deduction and to ensure the earned income credit takes into account the elimination of such penalty.

Daschle (for Durbin) amendment No. 2437 (to amendment No. 2436), relating to reductions in underage tobacco usage.

Gorton amendment No. 2705 (to amendment No. 2437), to limit attorneys' fees.

AMENDMENT NO. 2705

Mr. GORTON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 2705 by the Senator from Washington.

Mr. GORTON. Thank you, Mr. President.

Mr. President, this will mark the third occasion on which the Senate has debated a limitation on attorneys' fees in connection with the litigation that led to this debate on tobacco legislation. As a consequence, I do not believe this debate need last for as extended a period of time as did those on the earlier Faircloth amendments, and I believe the leadership is attempting to reach a time agreement on this amendment, with a vote to take place perhaps right after the official Senate photograph early this afternoon. On the other hand, I do not have any official notification about a formal time agreement, but I will proceed on the basis that this Gorton amendment can be debated relatively expeditiously.

I have examined the debate on the last amendment on attorneys' fees that took place on June 11, less than a week ago, and I believe that the rationale for passing legislation with some limits on attorneys' fees in connection with this litigation was so well stated by the Senator from North Carolina, Senator FAIRCLOTH, and by the Senator from Alabama, Senator SESSIONS, and by others that I do not need to repeat in detail their scholarly approach and analyses of the subject.

Mr. President, you may say, agreeing with their rationale, why is it that this Senator voted against both the first and the second Faircloth amendments? The answer to that is simple. I believe that it is appropriate for the Congress to limit attorneys' fees in connection with this litigation for reasons that I will outline briefly in the course of these comments. At the same time, I did not believe that the particular limitations contained in the two earlier Faircloth amendments were fair or just. So, with some regret but with firmness, I voted to table each of those amendments.

The fundamental reason for my opposition to those two amendments was the fact that they treated all attorneys in all tobacco cases as being subject to the same cap or the same limitation. Whether that litigation and those attorneys were involved from the very beginning with the States of Mississippi and Minnesota, at a time at which tobacco companies had not lost any litigation at all, when those initial attorneys came up with what were novel and difficult theories of law and took a tremendous risk in the litigation in which they were hired, those attorneys were treated the same in the two earlier amendments as attorneys who have just recently gotten into litigation on this issue after it was obvious that, at the very least, settlements were available to all of the plaintiffs and, for that matter, were treated the same as any attorney who brings litigation in the future when both the States and this bill have so substantially changed the burden of proof in tobacco litigation that one may almost say that an attorney who loses a tobacco case will be exposed to malpractice litigation thereafter.

Mr. President, that is fundamentally unfair. And so the amendment that I have put before the Senate today, for our vote, treats attorneys' fees differently depending on when the litigation was commenced. I have adopted all of the considerations for judges to use in determining the amount of attorneys' fees that are fair in a given case that were a part of the second Faircloth amendment. They, in turn, are an expanded version of considerations that the Supreme Court of the United States has articulated as used when the question of reasonable attorneys' fees has come before the Supreme Court.

So the dollar figures that we use per hour in this amendment are ceilings; they are not floors. If, in any case, the courts or others who make judgments in this connection feel that those figures are too high—and I think there will be many instances in which they do—they may be reduced below that ceiling. We simply set a ceiling.

The ceiling, unlike the $1,000 ceiling in the last Faircloth amendment which was mitigated by allowing a cost recovery greater than the actual cost expenditures, is simply this. For lawyers who are part of litigating cases that began before 1995, the ceiling will be $4,000 an hour—four times that in the Faircloth amendment. For lawyers as a part of litigation that was brought after the beginning of 1995 but before April of 1997, the maximum figure, the ceiling, will be $2,000 an hour. Why, you may ask, April 1997, 2 months before the tobacco settlement was announced? That was the date, the time, that Liggett gave up—in effect, turned state's evidence—turned all of the internal memoranda, which show the horrendous way, the unprincipled way, the tobacco companies had acted, over to the general public, to all of the lawyers.

So after that date, after a date at which tobacco litigation was not only unprecedented and of extraordinary difficulty but really quite simple and easy, the maximum figure will be the $1,000 an hour—in this case, identical to the overall limit in that Faircloth amendment, but only a recovery of actual costs.

And, finally, beginning on a date that roughly corresponds with the beginning of this debate on the floor of the Senate, in the anticipation that even the rules of evidence will be lower and lesser if this bill should pass, the ceiling will be $500 an hour—actually lower than the Faircloth amendment itself.

It seems to this Senator, Mr. President, that that is more nuanced and more fair than the one-size-fits-all proposition that was contained in the two earlier amendments on which we voted.

As a consequence, this amendment is suggested to all of my colleagues here in the Senate, both those who felt that a lower limit was appropriate but were unsuccessful in getting a majority and those who, like myself, objected to the two earlier Faircloth amendments.

I believe it is very difficult to stand for the proposition that there should be no limitation under any set of circumstances. That might be an appropriate position for Members of the U.S. Senate if we were not engaged in this debate. If the very people whose clients have come before us asking us to pass that bill—ratify the settlement made by the great majority of States of the United States—had not come here to Congress to ask us to pass this legislation, we would have no business simply debating attorneys' fees in the abstract in this connection. But they are here. They have used up, as the Senator from Idaho said, too much of our time already, time which might more profitably have been devoted to other legislation.

But it has been a serious debate. It has been a debate in which we have examined every single element not only of the litigation that led to this debate but of the whole relationship between tobacco, the tobacco industry, and the farmers, teenagers, adults, health care, and the like. And to say that the only aspect of tobacco policy that we cannot and should not examine is the fees of the attorneys who are involved in this litigation, to me, Mr. President, is an unsupportable proposition.

Mr. President, a couple of weeks ago I came across a short essay by Stuart Taylor, Jr., which appears in the May 30 edition of the National Journal. I ask unanimous consent that that essay be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GORTON. Mr. President, Mr. Taylor, in stating the case for limitations on lawyers' fees, sets up the five fundamental arguments against doing so and deals with each of those five.

The first is, ''Don't mess with the marketplace''—that these were accounts freely entered into. In the first place, I am not sure that there was a great deal of ''marketplace'' in connection with litigation much of which was solicited by the lawyers themselves.

But in any event, the marketplace disappears with this legislation. There is no real marketplace for tobacco products anymore. It will be the most regulated marketplace for any legal commodity in the United States, far exceeding the degree of regulation applied to alcohol and alcoholic beverages, for example. So if we can regulate the marketplace for tobacco, we can regulate the marketplace for tobacco lawyers.

The second objection that is brought up is that these are sacrosanct contract rights. But, of course, these are contract rights that are subject to review by the courts, by the judges who are dealing with this litigation. There have already been judgments made in that connection. The law is clear that attorneys' fees must be reasonable. And when they are unreasonable or overreaching, the courts, with their equity powers, said, ''We can intervene.'' Well, then, Mr. President, it seems to me that we can intervene as well. We represent the conscience of the people of the United States. And I believe overwhelmingly the people of the United States will reject the kind of attorneys' fees running up into the billions of dollars that seem clearly possible and perhaps close to certainty should we not intervene in this aspect of the marketplace.

The third objection is States rights—that all of this litigation was brought by the States; we ought to stay out of it. Again, Mr. President, a good argument had the States not come to us and asked us to pass this legislation, because literally, in the case of most of them, they could not reach the goals they sought without the assistance of the President and the Congress of the United States.

The fourth reason—and it has been expressed on this floor—is that these lawyers deserve these big, huge fees. I was presiding, Mr. President, when Senator HOLLINGS eloquently made that case, that whatever they get they earn. Well, I suppose one can make that argument, but I do not believe that most of the American people believe that lawyers, under any circumstances, should earn $10,000 or $50,000 or $92,000 or $200,000 an hour for their work, no matter how imaginative and how successful that work may be.

I think there are very few Members of this body who believe firmly that they deserve fees larger than the $4,000 cap that is included in this amendment.

The final argument that Mr. Taylor set out in his essay 2 or 3 weeks ago was that $250 an hour was not enough. That, of course, was a reference to the first Faircloth amendment, and I agreed with Mr. Taylor, $250 was not enough for those who had begun this litigation by any stretch of the imagination. I don't think, myself, $1,000 was enough.

That is why, with a bit more reluctance, I voted against the second Faircloth amendment. But I certainly believe that the staged amount that we have in this amendment is enough and is enough for each of the four different categories of lawyers to whom it applies. It is for that reason that I have placed this proposal before the Senate once more in a different fashion than the fashion in which it previously appeared.

This is a legitimate part of the debate over tobacco legislation. We should reflect the conscience of the American people in this connection. We should try to see to it the maximum amount of money, consistent with fairness, that changes hands in one respect or another as a result of this legislation goes to the social and mostly antismoking purposes for which it is intended. We don't need to make billionaires out of lawyers simply because they were lucky enough or even wise enough to get into this field at an opportune time. We particularly don't need to do that for those lawyers who didn't either bother or have enough imagination to get into it until this kind of litigation was a slam dunk.

This is perhaps one element of our system of justice that increasingly disturbs the American people. We have dealt with it a little bit at a time in tort reform legislation. I hope that the Senate will take up a product liability bill and I hope now we can get a bipartisan degree of support here on the Senate floor and get a signature from the President on a modest attempt to reform our legal system.

I voted for all such reforms that have come before the Senate while I have been here in the last 7 years. I am not generally considered to be someone who defends trial lawyers. I found it a little bit awkward to vote against the first two Faircloth amendments, but I think even with respect to people with whom I disagree, with whom many of

us disagree, fairness is vitally important. I have designed this amendment in a way to be fair and to be equitable, to treat people in different circumstances differently. I submit it to the consideration of the Senate on that basis.

EXHIBIT 1

[From the National Journal, May 30, 1998]

(Stuart Taylor Jr.)

TOBACCO FEES: THE REWARDS OF WINNING COULD BE STUNNING

It's an estimate, but perhaps not all that far-fetched: In some cases, lawyers suing the tobacco companies could make as much as $100,000 an hour if the cozy contingency fee deals they have signed with state attorneys general and others are left intact.

That helps explain why some in Congress are pressing to add curbs on lawyers' fees to the $515 billion tobacco bill sponsored by Sen. John McCain, R-Ariz.

In Texas, five leading plaintiffs lawyers would split a pot of $2.3 billion over the next 25 years—15 percent of a $15.3 billion statewide settlement—under a contingency fee deal signed by Democratic state Attorney General Dan Morales for a lawsuit to recover health care costs attributable to tobacco.

The five lawyers did not keep track of the hours they worked. Nor have they specified how much of the money they would share with the dozens of other lawyers who helped them. But professor Lester Brickman of Benjamin Cardozo Law School, an expert witness in a court challenge brought by Texas' Republican Gov. George W. Bush against the fee deal, says the lawyers' hourly rates come to at least $92,000, based on his estimate that they almost surely put in no more than 25,000 hours on the cases.

In Florida, West Palm Beach Circuit Judge Harold J. Cohen invalidated as ''unconscionable'' a deal that would give the state's 12 lead private lawyers $2.8 billion—25 per cent of a similar, $11.3 billion statewide tobacco settlement. But his decision was overturned on May 18, on procedural grounds, and sent back for further action.

The total cut for the plaintiffs lawyers in all current and future tobacco cases covered by the McCain bill could run as high as $5 billion a year, with the biggest bucks coming from future class action suits on behalf of sick smokers and their families.

The plaintiffs lawyers and their champions—one of them Sen. Ernest F. Hollings, D–S.C.—make no serious efforts to knock down the numbers. In fact, they dismiss the dollar figures as irrelevant. ''Don't give me this billable hours or $180,000 an hour or $5 an hour or whatever it is,'' Hollings declared in a May 19 debate. ''This isn't any hourly thing. . . . They deserve every dime of it and more.''

Hollings was speaking against an attempt by Sen. Lauch Faircloth, R–N.C., to amend the McCain bill by capping the anti-tobacco lawyers' fees at $250 an hour. Faircloth's rider was rejected, 39–58. The bipartisan majority's objections were essentially these:

DON'T MESS WITH THE MARKETPLACE

Congress does not curb the gargantuan compensation packages of, say, tobacco executives, other corporate fat cats, actors or star athletes. So why should it selectively restrict the fees of the entrepreneurs of litigation—especially those who take on Big Tobacco?

CONTRACT RIGHTS

Any move by Capitol Hill to override contingency fee deals would interfere with the lawyers' contract rights. ''A deal is a deal,'' in the words of Sheldon Schlessinger, one of the Florida lawyers pressing for a full 25 per cent cut.

STATES' RIGHTS

In the many cases in which attorneys general and other state officials have retained private lawyers to sue tobacco companies, federal fee-capping legislation would interfere with the states' rights to sign whatever contingency fee deals they choose.

THEY DESERVE BIG FEES

The plaintiffs' lawyers are entitled to generous rewards because they took extraordinary risks—which even state governments could not take on their own—and used their expertise, financial resources and entrepreneurial flair to bring to their knees the mighty tobacco companies, which until recently had seemed invincible.

$250 IS NOT ENOUGH

While it may seem a princely wage to most people, $250 an hour is barely half the rate tobacco companies and other corporate clients pay their highest-paid lawyers. And those lawyers are paid whether they win or lose. Contingency fee layers, on the other hand, get nothing when they lose. So when they win, they should get more—far more, in some cases—to compensate for their risks.

This last point is so clearly, well, on the money, that by itself it warrants rejection of Faircloth's $250-an-hour cap, which smacked of standard conservative Republican lawyer bashing.

But what about a fairer, more realistic curb on fees in tobacco cases covered by the McCain measure? Brickman—a leading scholar on contingency fees and a fierce critic of excessive ones—proposes an upper limit of $2,000 an hour, several times the rates charged by the tobacco companies' lawyers.

Although some of the points noted thus far could be raised against a $2,000-an-hour fee cap, the counterarguments seem more persuasive.

Don't mess with the marketplace? Precious little evidence suggests that many contingency fee lawyers engage in the kind of competition for business that is the essence of a health marketplace—perhaps because most smokers and other individual plaintiffs don't have the time or expertise to bargain or shop around for better fee deals.

And even some of the fee deals signed by presumably astute state attorneys general, such as Dan Morales, seem remarkably unsophisticated (at best), with the same fixed percentage of the award going to the lawyers no matter how large the award. Noting that Morales (like many other politicians) got campaign contributions from some of the same lawyers, Bush and Brickman have suggested that he either sold out or was snookered or both. (Morales, returning the fire, has called Bush a lackey of the tobacco companies.)

Be that as it may, the McCain bill would not leave much freedom in any corner of the tobacco marketplace. It would subject tobacco products, advertising and litigation alike to pervasive federal regulation, in a manner somewhat analogous to the government's Medicare and Medicaid systems, which of course impose strict limits on doctors' fees.

The McCain measure would also make winning a lawsuit against tobacco companies far easier (by superseding key state tort law rules), while at the same time giving the companies strong financial incentives to offer plaintiffs generous settlements rather than fighting tort suits and class actions all the way to trial. For a Congress that would thus be enriching both plaintiffs and their lawyers—by eliminating much of the risk of litigation and enabling them to win with relatively little effort—it would be a bit odd to ignore the matter of how much money the lawyers should be able to take off the top.

Contract rights? As fiduciaries, lawyers everywhere are subject to ethical rules barring them from charging ''excessive'' or ''unreasonable'' fees. So Brickman's proposed fee cap would clash with the contract rights of only those who can show that they can reasonably demand more than $2,000 an hour.

Individual lawyers should be free to try to make such a showing, on a case-by-case basis, and, if they are successful, obtain an exemption from the $2,000-an-hour cap. But few would (or should) succeed. And a requirement that lawyers present justifications in court for such exceptionally high fees would have the wholesome effect of spurring judges to put teeth into the seldom-enforced ethics rules against unreasonable fees.

States' rights? The McCain bill would virtually take over—at the behest of the states themselves—the pending state lawsuits to recover tobacco-related costs incurred by combined state-federal Medicaid programs. In this context, on what basis could any state official object to attaching a $2,000-an-hour fee cap, especially one that would benefit the state's citizens?

While some opponents of any fee cap assert that the main beneficiaries would be the merchants of death (aka the tobacco companies), it seems more likely to affect only the split between the merchants of litigation (aka the trial lawyers) and their clients—the states themselves, smokers and others.

Do the lawyers really deserve more than $2,000 an hour? Many surely do not, because their risk of loss has diminished, and will diminish even more if the McCain bill passes. Fred Levin, a Florida lawyer, helped illustrate this point by boasting on ABC's *20-20* program not long ago that he not only had brokered the contingency fee deal between the state and its private lawyers for his ''good friend'' Democratic Gov. Lawton Chiles, but also had the lawsuit against the tobacco companies ''a slam dunk,'' by slipping through the state Legislature obscure amendments that virtually guaranteed victory to the state.

Not much risk there. Could even so stalwart a champion of the trial lawyers as Sen. Hollings explain why, for such lawyers, $2,000 an hour is not enough?

Mr. McCAIN. Mr. President, first of all, I say the Senator from Idaho came to the floor to argue that the tobacco legislation now spends more money than it takes in. The argument neglects one fundamental fact, and that is the legislation can't spend more than it takes in because the authorizations, including the drug amendment, come from the trust fund only. You can earmark all you want to, but unless the money is in the trust fund, it can't be spent. That is, obviously, up to the appropriators.

Having only been here for 12 years, I have, time after time after time, observed authorizations of large amounts of money which are then reduced by the appropriators, as which is their job, to fit into the overall budget. These authorizations that are a result—the drug amendment, prevention, cessation, counterads, research, et cetera—that are authorized, cannot be appropriated unless the money is there in the trust fund.

By the way, those who would argue that we need to reduce the size of this bill by about $100 billion, I say that is a very likely outcome if we are successful in reducing teen smoking, because the volume of cigarettes sold in

America, if we are successful, would be reduced significantly, which would, first of all, mean less revenues and less payments into the trust fund which is set up, and over time, obviously, would then reduce the amount of money that can be spent. Most experts believe that if this legislation is enacted that we could effectively reduce teen smoking in America.

So I say to my friend from Idaho when he comes to the floor, when we come to the floor in a day or so with a defense authorization bill which greatly exceeds the amount that is budgeted, I hope that he will make the same arguments that we exceeded in practically every other authorization bill. As the Senator from Idaho well knows, the way we do business around here is we authorize a certain amount of expenditures and then that is subject to the appropriators who are guided by the budget—in this case, guided by the amount of money that will be in the trust fund. I think it is important that be mentioned.

I think most of us agree it is time we made a decision on this bill. I want to comment on the Gorton amendment. I think it is important. I think it is a good amendment. I think Senator GORTON, Senator SESSIONS, and Senator FAIRCLOTH have great credibility in this body—both Senator GORTON and Senator SESSIONS having been former attorneys general. I believe that it is appropriate if we are going to designate how the money is spent that comes from the increase in the price of a pack of cigarettes, then there should also be some limitation on the amount of money that is paid for legal expenses.

Senator GORTON's amendment calls for initially $4,000 an hour and scales down as to what time in the calendar the legal entities entered into these settlements. I think most Americans would believe that $4,000 an hour is a rather generous wage. In fact, there are very few Americans who are compensated to the tune of $4,000 an hour.

The argument will be made on the other side that we are dictating something that should be left up to the States, should be left up to arbitration. We have just passed several amendments that come from that side that dictate exactly what the States should do. We just passed one that said a certain amount of money had to go to early child development. We passed one that said a certain amount had to go to a specific kind of research.

In all due respect to the arguments that somehow we are interfering with some kind of States rights here, then obviously an amendment should be supported that says the States can do whatever they want to with any of the money that goes to them, which contemplated in the original bill is some 30 to 40 percent of the entire amount of money that is collected.

Most Americans, when asked if $4,000 per hour is adequate compensation to anyone—there may be some exception to that, perhaps brain surgery—but for legal services I think the overwhelming majority of Americans would view $4,000 per hour as more than generous compensation. In fact, if we pass the Gorton amendment, there will be some who will complain that this is far too generous. I remind observers that this is the third iteration we have attempted to try to bring some restraint to what many Americans are appalled to discover—that a single law firm, in the case of the Florida settlement, could make a couple of billion dollars.

I don't think that is appropriate, and I believe that we ought to act overwhelmingly in favor of the Gorton amendment.

We have been told of two possible substitute amendments—one by Senator HATCH and the other by Senators GRAMM and DOMENICI. I hope and expect that if those amendments are to be offered, we can move to them shortly.

As I said, the Senate has adopted several significant amendments, particularly with respect to how funding under this bill is apportioned. I thought it might be helpful to recap for the Senate where the bill stands in that regard.

The Joint Tax Committee estimates that under the managers' amendment, $52 million would be available in the trust fund in the first 4 years and an additional $72 billion in the following 5 years, producing a 9-year total of $124 billion.

The Senate adopted amendments to the bill to provide $3 billion to assist veterans with smoking-related diseases and $46 billion in tax cuts, leaving a total of $75 billion over 9 years for apportionment to the four major accounts authorized under the bill—the State account, the public health account, the research account, and the farmer assistance account.

Under the bill, 40 percent of the money, or $30 billion over the next 9 years, would be made available to the States to settle their Medicaid and legal claims against the tobacco industry. This would mean a payout of approximately $3.3 billion per year, or an average of $66 million per State per year, to compensate State taxpayers.

And 22 percent of the money, or $16.5 billion over 9 years, would be made available for public health programs, including counteradvertising, smoking prevention and cessation services, as well as for drug control programs authorized under the Coverdell-Craig amendment. As the bill currently stands, the precise amounts and selected purposes would be subject to appropriations.

This means an amount of approximately $1.8 billion available for public health and subject to drug control purposes. Under the bill, 90 percent of the money reserved for public health is to be block-granted to the States.

Another 22 percent of the funds, or $16.5 billion over 9 years, would be made available for health research at the National Institutes of Health and Centers for Disease Control. This would mean a payout of nearly $1.8 billion per year for advanced medical research.

As you know, Mr. President, lately the public health groups have complained about some of the reductions as a result of setting aside $3 billion for veterans' treatment of tobacco-related illness as a result of tax cuts and as a result of an anti-illegal drug program. It still provides $1.8 billion per year for advanced medical research. I would say that is a significant amount of money.

The bill designates 16 percent of the fund to tobacco farmer and farm community assistance. Also, Mr. President, $1.8 billion is available for public health. And $1.8 billion is, I think, a sizable amount of money. This is a total of $12 billion over 9 years, or a yearly payout of $1.3 billion.

The farm provisions still have to be worked out. I hope we can accomplish that end expeditiously and in a manner that is fair and appropriate.

I remind my colleagues again that the bill, as modified, contains measures of enormous benefit to the Nation, including vital anti-youth smoking initiatives that will stop 3,000 kids a day from taking up a habit that will kill one-third of them, critical funding for groundbreaking health research, and assistance to our Nation's veterans who suffer from smoking-related illnesses.

I would like to mention again, Mr. President, that for reasons that are still not clear to me, money was taken to use for highways that should have been used for treating veterans who suffer from tobacco-related illnesses. This provision of the bill is an effort to provide some funding for veterans who were encouraged to smoke during the period of time they were serving this Nation.

The bill will also fund a major anti-drug effort to attack the serious threat posed by illegal drugs, and it contains one of the largest tax decreases ever to eliminate the marriage penalty for low- and moderate-income Americans, and achieve 100 percent deductibility of health insurance for self-employed individuals. In fact, every penny raised above the amount agreed to by the industry last June is returned to the American people in the form of a tax cut.

Let me repeat that, Mr. President. I think it is rather important. It happens that this tax cut takes into consideration all of the additional funds above that which were agreed to by the attorneys general and the industry last June.

The bill provides the opportunity to settle 36 pending State cases, collectively, efficiently, and in a timely fashion. I argue that it is now time to finish our business and move the process forward.

There are those who labor under the unfortunate misapprehension that if we do nothing, the issue will go away. I don't believe that is correct. I don't

believe it is correct because the facts won't go away. Mr. President, 3,000 kids take up the habit every day, teen smoking is on the rise, and that probably won't stop unless we do something.

Mr. President, 418,000 Americans die of smoking-related illnesses every year—the No. 1 cause of preventable disease and death in America by far. This death march won't stop unless we do something. The taxpayers must shell out $50 billion a year to pay for smoking-related health care costs—nearly $455 per household. That number is increasing because the number of youth smokers is rising. I want to again repeat, those who call this a ''big tax bill''—and I congratulate the tobacco industry for doing polling and finding that most Americans understandably are opposed to ''big tax increases,'' but I argue that the tobacco industry is responsible for one of the biggest tax increases in the history of this country. That tax increase is what taxpayers have to pay to treat tobacco-related illnesses. Those tobacco-related illnesses are directly related to the sale of their product.

If the bill disappears—which would be much to the industry's delight—the State suits will not disappear with it. If we fail to act, the States will continue their suits and they will win judgments and the price of cigarettes will increase sharply. So please don't be misled by those who would have the public believe that killing this bill would eliminate taxes or relieve smokers of an undue price increase. Following the Minnesota settlement, the price of a pack of cigarettes went up 5 cents, on an average, throughout the country, not just in Minnesota.

Mr. President, we have a tendency to throw around polling data quite frequently. Recently, there was a poll paid for by the tobacco companies, and some of the opponents took great heart in that the American people somehow did not support legislation to attack the problem of kids smoking. There was another telephone survey conducted by Market Facts TeleNation, which is an independent polling firm, and this poll was paid for by the Effective National Action to Control Tobacco. Mr. President, these polls' questions are always very important because how they shape the question quite often dictates the answer. We know very well how highly paid pollsters are.

Here is the question:

As you may know, the Congress is currently considering the McCain tobacco bill, which creates a national tobacco policy to reduce tobacco use among kids. Based on what you know about the bill, do you favor or oppose Congress passing the McCain bill?

Registered voters in favor were 62 percent. It is broken down: 45 percent strongly favor; 17 percent somewhat favor; strongly oppose, 23 percent; somewhat oppose, 9 percent. All adults who favor are 62 percent; oppose, 30 percent.

Question: The McCain bill includes public education to discourage kids from smoking, help for smokers to quit, enforcement of laws to prevent tobacco sales to kids and increases in the price of tobacco products to discourage use by kids. There would also be strict limitations on tobacco advertising and marketing to kids, as well as authority for the Food and Drug Administration to regulate tobacco like it does other consumer products. These programs would be funded by increasing the price of a pack of cigarettes by $1.10 over the next 5 years. Knowing this about the McCain bill, do you favor or oppose the bill?

This is what we call usually a ''push question.'' And the number goes up to 66 percent registered voters strongly favor, and about 4 percent oppose.

Question: If two candidates for Congress were otherwise equal, but one supported the McCain bill and the other opposed it, would you be * * *

More likely to support the candidate who supports the bill, 44 percent more likely; more likely to support the candidate who opposes the bill, 18 percent; 37 percent would say no effect on their vote; 44 percent would most likely support the candidate who supports the bill.

Question: Some in Congress have proposed amendments to the McCain bill that address issues other than tobacco use—like tax reductions and the war on illegal drugs. Which of the following statements do you agree with most?

The tobacco bill should address issues only, and other issues should be dealt with in separate legislation, 79 percent.

Mr. President, I ask unanimous consent that this poll be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EFFECTIVE NATIONAL ACTION TO CONTROL TOBACCO: A PUBLIC HEALTH COALITION

TOBACCO SURVEY RESULTS

Telephone survey using a random digit sample, commissioned by the Campaign for Tobacco-Free Kids and conducted June 12–15, 1998 by Market Facts' TeleNation, an independent polling firm. The poll included 924 adults and 784 registered voters. Responses below are based on the full sample of respondents unless otherwise noted. Margin of error is +/−3.2 percent for all adults and +/−3.5 percent for registered voters.

Question: As you may know, the Congress is currently considering the McCain tobacco bill which creates a national tobacco policy to reduce tobacco use among kids. Based on what you know about the bill, do you favor or oppose Congress passing the McCain bill?

	Registered voters (percent)	All adults (percent)
Favor (Net)	62	62
Strongly Favor	45	44
Somewhat Favor	17	17
Oppose (Net)	31	30
Strongly Oppose	23	22
Somewhat Oppose	9	8
DK/Refused	7	8

Question: The McCain bill includes public education to discourage kids from smoking, help for smokers to quit, enforcement of laws to prevent tobacco sales to kids and increases in the price of tobacco products to discourage use by kids. There would also be strict limitations on tobacco advertising and marketing to kids, as well as authority for the Food and Drug Administration to regulate tobacco like it does other consumer products. These programs would be funded by increasing the price of a pack of cigarettes by $1.10 over the next five years. Knowing this about the McCain bill, do you favor or oppose the bill?

	Registered voters (percent)	All adults (percent)
Favor (Net)	66	65
Strongly Favor	50	49
Somewhat Favor	17	17
Oppose (Net)	32	33
Strongly Oppose	24	24
Somewhat Oppose	9	8
DK/Refused	1	2

Question: If two candidates for Congress were otherwise equal, but one supported the McCain bill and the other opposed it, would you be:

	Registered voters (percent)	All adults (percent)
More Likely to Support The Candidate Who Supports The Bill (Net)	44	44
Much More Likely	30	31
Somewhat More Likely	14	13
More Likely to Support The Candidate Who Opposes The Bill (Net)	18	19
Much More Likely	14	13
Somewhat More Likely	5	5
No Effect On Vote	36	37
DK/Refused	1	1

Question: Some in Congress have proposed amendments to the McCain bill that address issues other than tobacco use—like tax reductions and the war on illegal drugs. Which of the following statements do you agree with the most?

Randomized	Registered voters (percent)	All adults (percent)
The tobacco bill should address tobacco issues only, and other issues should be dealt with in separate legislation	79	79
Issues such as tax reduction and illegal drugs are so important that they should be addressed in the tobacco bill even if it means reducing funds for programs to combat tobacco use among kids	18	18
DK/Refused	4	4

Question: Now let me ask you about a couple of specific amendments to the tobacco bill. Please tell me which of the following positions you agree with most.

	Registered voters (percent)	All adults (percent)
Some in Congress want to amend the bill to use money intended for tobacco prevention to reduce the so-called marriage tax for couples with incomes under $50,000 because these couples currently pay somewhat more in income taxes than two individuals who are not married	22	22
Others say the marriage tax should not be addressed in the tobacco bill and that it takes too much of the money intended for programs to reduce tobacco use among kids	69	69
DK/Refused	9	9

Question: Which of the following positions do you agree with most?

	Registered voters (percent)	All adults (percent)
Some in Congress want to take much of the revenue generated by tobacco price increases that is intended for programs to reduce tobacco use among kids and use it instead to add to the funds the government has for fighting illegal drugs	21	22
Others say the money raised by the tobacco bill should be used first and foremost to address the tobacco problem, and that if more money is needed to fight illegal drugs, it should come from other source	75	74

	Registered voters (percent)	All adults (percent)
DK/Refused	4	4

Question: Please tell me whether you favor or oppose spending the revenues from the McCain tobacco bill for each of the following.

Do you (strongly/somewhat) favor or oppose spending the revenues from the McCain tobacco bill for?

Randomized	Registered voters (percent)	All adults (percent)
Reimbursing the states for the money they have spent treating sick smokers (favor (Net))	43	43
Funding health and medical research (favor (Net))	78	78
Funding programs designed to reduce tobacco use among kids like public education campaigns, school-based programs, and enforcement of laws prohibiting tobacco sales to minors (favor (Net))	84	85
Providing money and other assistance to tobacco farmers to help them in the transition to other ways of making a living (favor (Net))	62	62
Reducing the marriage tax for couples making under $50,000 (favor (Net))	34	35
Adding funding to the government's budget for fighting illegal drugs (favor (Net))	46	46
Funding for states to provide expanded child care services (favor (Net))	46	48

Question: And which of those uses of the McCain tobacco bill's revenues is the most important in your mind?

Randomized	Registered voters (percent)	All adults (percent)
Reimbursing the states for the money they have spent treating sick smokers	6	6
Funding health and medical research	16	15
Funding programs designed to reduce tobacco use among kids like public education campaigns, school-based programs, and enforcement of laws prohibiting tobacco sales to minors	48	48
Providing money and other assistance to tobacco farmers to help them in the transition to other ways of making a living	7	8
Reducing the marriage tax for couples making under $50,000 (favor (Net))	5	5
Adding funding to the government's budget for fighting illegal drugs (favor (Net))	8	8
Funding for states to provide expanded child care services (favor (Net))	7	7

Question: Amendments passed so far to the McCain tobacco bill have removed virtually all funds dedicated to tobacco prevention programs, Funds remain in the bill for medical research, tobacco farmers, child care, reimbursement of state medical costs, the marriage tax reduction, and additional funds to fight illegal drugs.

Do you favor or oppose restoring the money in the bill for tobacco prevention efforts even if it means reducing the funds available for these other purposes?

	Registered voters (percent)	All adults (percent)
Favor (Net)	61	61
Strongly Favor	37	36
Somewhat Favor	24	25
Oppose (Net)	33	33
Strongly Oppose	17	17
Somewhat Oppose	16	16
DK/Refused	6	6

Question: Other things equal, if one candidate for Congress supported restoring the money for tobacco prevention programs in the McCain bill and the other candidate opposed restoring the money, would you be:

	Registered voters (percent)	All adults (percent)
More Likely to Support The Candidate Who Supported Restoring The Tobacco Prevention Money (Net)	54	53
Much More Likely	30	29
Somewhat More Likely	25	23
More Likely To Support The Candidate Who Opposed Restoring The Tobacco Prevention Money (Net)	14	14
Much More Likely	4	3
Somewhat More Likely	10	11
No Effect On Vote	26	26
DK/Refused	7	7

Question: How much do you trust each of the following to do the right thing on national tobacco policy?

How much do you trust Democrats in Congress to do the right thing on national tobacco policy? Do you:

	Registered voters (percent)	All adults (percent)
Trust (Net)	47	47
Trust a lot	11	11
Trust somewhat	36	37
Distrust (Net)	49	49
Distrust a lot	23	23
Distrust somewhat	27	26
DK/Refused	3	4

How much do you trust Republicans in Congress to do the right thing on national tobacco plicy? Do you:

	Registered voters (percent)	All adults (percent)
Trust (Net)	46	45
Trust a lot	9	8
Trust somewhat	37	37
Distrust (Net)	51	51
Distrust a lot	25	25
Distrust somewhat	25	26
DK/Refused	4	4

How much do you trust President Clinton to do the right thing on national tobacco policy?

	Registered voters (percent)	All adults (percent)
Trust (Net)	51	52
Trust a lot	21	19
Trust somewhat	31	32
Distrust (Net)	48	47
Distrust a lot	32	31
Distrust somewhat	16	16
DK/Refused	1	2

Question: If the McCain bill to reduce tobacco use among kids is not passed by the Congress, who will be most responsible for it not passing?

	Registered voters (percent)	All adults (percent)
Democrats in Congress	16	16
Republicans in Congress	40	37
President Clinton	13	14
All of the above	11	12
None of the above	4	4
DK/Refused	16	17

Question: Which of the following describes your use of tobacco products?

	Registered voters (percent)	All adults (percent)
Current regular smoker or regular smokeless tobacco user	25	26
Former regular smoker or regular smokeless tobacco user, or	25	25
Never smoked cigarettes regularly or used smokeless tobacco regularly	49	48

Question: Do you generally consider yourself a Republican or a Democrat?

	Registered voters (percent)	All adults (percent)
Republican	37	35
Democrat	39	39
Independent	17	17
Other	5	6
DK/Refused	2	3

Question: Are you currently registered to vote in the state where you live?

	Registered voters (percent)	All adults (percent)
Yes	100	86
No	.....	14
DK/Refused	.....	1

Mr. McCAIN. Mr. President, as we do battle of the polls, there is one today that I think in many ways supports the argument that the American people want to do something about the issue. The other argument that I hear quite often is the American people do not care, that they care more about illegal drugs, that they care more about crime, that they care more about education. I agree with that. But they also care about tobacco.

After this issue is taken up, I understand there will be efforts to take up the issue of patients' rights under the present health management regime in America. I haven't seen that in any polls. That is one of the most important issues. Yet, I think Members of this body think that it is of great importance. We are going to take up the defense bill, of which there will be several controversial issues, such as ballistic missile defense, our sanctions on China, et cetera.

I haven't seen those in any polls either. But yet I think the American people care about our Nation's security, especially our ability to defend the Nation.

Should we do something about illegal drugs? Yes. I hope we will. I believe that this bill has been improved by that.

Should we do something about education? I believe that we have had significant and substantial debate on the floor of the Senate regarding that issue. The very excellent bill of Senator COVERDELL was passed after a very difficult process.

Should we do things about crime? Yes.

But, Mr. President, I think we should also do something about this issue as well.

As I began my comments, I believe that we are in an important period of time. I say the best way to proceed is to have a cloture vote proposed by the majority leader, which is the way we do business around here. If the Senate, in its wisdom, decides by 40 votes, and we don't have enough votes to conclude debate after being here in this fourth week, then we should go on to other issues. If there are sufficient votes, 60 votes to invoke cloture, I urge both proponents and opponents of the legislation to try to complete action on this legislation this week.

We all know we have 13 appropriations bills; perhaps product liability reform; perhaps other issues that are important to the American people as well.

I don't mind staying here all summer, if I may borrow a phrase from another leader of a different magnitude than I. But I believe that we have discussed and debated this issue at great length, and it is now time for us to make a decision as to whether we move forward on this bill or not, or throw the issue back to the States. Thirty-six attorneys general voted for it. Larger and larger settlements, and larger and larger legal fees will occur. But most importantly, as I have said on a number of occasions on the floor, today 3,000 kids will start to smoke, and tomorrow, and the next day, and the next day.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank my colleague, Senator MCCAIN, for his remarks and putting some of this argument back in perspective.

I want to address briefly the amendment of the Senator from Washington, Senator GORTON. I know there are other colleagues waiting to speak on this question.

Mr. President, I understand the strong feeling that we want to limit lawyers' fees. I don't think there is a Member of this body that isn't concerned about seeing lawyers get windfall results for themselves as a result of this litigation.

We have in the McCain legislation, the bill that came out of the Commerce Committee on a 19-to-1 vote, a strong bipartisan vote, a means of addressing that problem.

What is in the bill is a provision for arbitration panels to determine what are the appropriate legal fees.

I think probably that is the best answer, as imperfect as it is.

The problem with the our taking action is, What action do you take? I think Senator GORTON has probably the best chance of prevailing. But it has problems. I think his is probably the most thoughtful provision before us.

But I say to my colleague from Washington, I think there are real problems with what he has proposed. Under Senator GORTON's proposal, fees would be limited to $4,000 an hour for actions filed before 12–31 of 1994. The problem is that may be way too much. It is even conceivable in certain circumstances that it is too little, but I think it is more likely that it is too much.

He also provides $2,000 an hour for actions filed between 12–31 1994 and 4–1 1997.

I tell you, my own view is that may well be too much. It is hard to say because it is an arbitrary cap. That is the problem with what the Senator from Washington is offering. In many cases, it may be way too much.

He says it establishes a cap, not a floor. But I think we all understand what happens in these cases. Very often what is intended is a cap which then becomes a floor. What we may find out is that people being compensated at $4,000 an hour do not deserve a fraction of that. Or we may find that we have attorneys who file actions between 12–31 1994 and 4–1 1997 who are capped at $2,000 an hour. That may be far in excess of what they should receive.

He also provides for $1,000 an hour for actions filed between 4–1 1979, and 6–15 of 1998; $1,000 an hour.

Again, because this is arbitrary, it can wind up being too much in one case when it goes down to $500 for actions filed after 6–15 of 1998. Those would be new cases.

That may be appropriate for those who have just gone out and made a copy of the previous actions filed by others, but if it is a new action, taking on the tobacco industry on a new theory where a law firm has to put up substantial resources of its own to bring an action, $500 may not be enough.

The point is we don't know. Sitting here in this Chamber, how do we make a decision about what is an appropriate legal fee for literally thousands of cases across this country. I don't think it is possible for us to make this judgment. That is why some of us believe an arbitration panel is the appropriate resolution. Let's leave it up to the parties at issue. They each name somebody on their behalf, and those two name a third, and they reach a conclusion on what the appropriate fees are in a particular case. But to have us sit in Washington and try to decide what a contract ought to be in the State of Minnesota is really pretty far-fetched. We often say we are engaged in too much micromanagement from here in Washington. In fact, our friends on the other side of the aisle say that frequently, and frequently they are right. If there was ever a case of micromanagement, this is it. We are deciding what legal fees should be in the State of Washington, the State of Minnesota, the State of North Dakota. I don't think so. I tell you what an appropriate legal fee in North Dakota is and what an appropriate legal fee in New York is are probably not the same. For us just to put in an arbitrary amount that applies across the country is meddling at a level that I think is counterproductive.

Now, we have heard, gee, some of these cases that are settled are going to lead to a windfall for the attorneys at issue. I tell you, I am very concerned about that. That is why I have supported arbitration, because where there is a difference between those who hired the lawyers and those who have been hired, there ought to be a way of resolving it so lawyers do not enjoy windfall returns.

We have heard a lot of discussion about Florida. There has been the suggestion that law firms down there are going to get $2 billion. I tell you, that is outrageous, absolutely outrageous —$2 billion for a case in Florida. But I am not the only one who thinks it is outrageous. The State court in Florida thinks it is outrageous. In fact, they have said it is unconscionable in the State of Florida, and they have not approved it.

So why are we substituting our judgment for the judgment of courts in the individual States and the judgment of the attorneys general in the various States who are the ones who have hired lawyers on a contingency basis? Because that is why we have the problem. We have the problem because individual attorneys general did not, by themselves, have the resources to go take on the tobacco industry. They did not have the resources to do that. We all understand, before this series of cases, the tobacco industry had never lost a case and they had the best legal talent in the country.

By the way, as I understand it, the proposal of the Senator from Washington only applies to plaintiffs' attorneys. It does not apply to the tobacco industry's attorneys. So you have kind of an uneven fight here: The tobacco industry has no limitation, and the plaintiffs' lawyers, those who sue on behalf of the victims, are capped. And the caps that apply under the amendment of the Senator from Washington may be way too much. In fact, I think in virtually every case $4,000 an hour is way too much; $2,000 an hour for a different set of classes based on the time that they were filed may be way too much; $500 an hour for new cases may be too little if the law firm has to put up substantial resources of its own in order to bring the action and successfully take on the multibillion-dollar tobacco industry, especially given the tobacco industry's rate of success.

Mr. President, in the task force that I headed for our side, the conclusion we came to as the appropriate resolution is not to have us try to determine appropriate legal fees. The Senate of the United States is not equipped, frankly, to reach into the facts, the different fact patterns of hundreds of different cases, even thousands of different cases across this country, and determine what are the appropriate legal fees.

I think that is a profound mistake, and it sets a precedent. Are we going to start to determine the legal fees in cases that involve the automobile industry? Are we going to start to get involved in what the legal fees should be in the medical industry?

Boy, I tell you, I do not think that is a road we want to go down, because I do not think this body is equipped to determine the legal fees. I think we may make very serious mistakes, and I can easily see under the amendment offered by the Senator from Washington that we could wind up with a scheme in which lawyers were compensated far more than they should be.

Now, if we look at what has happened around the country, I think we will see that, in fact, the individual States are responding to these challenges. We are

seeing in State after State that they are not accepting these outrageous contingency agreements that were entered into. They are not accepting 25 percent contingency agreements. In State after State they have changed what was proposed.

In Minnesota, outside counsel agreed to accept 7.5 percent instead of the 25 percent fee as called for in the original contract. In Mississippi, both the State and their counsel have agreed to submit a decision on fees and expenses to an arbitration panel. In both Texas and Florida, where there is a dispute over fees, the attorneys' fees and expenses will be decided either through agreement, arbitration, or court order. In each case, mechanisms are now in place to determine the amount of the attorneys' fees.

In Texas, a State court ruled that a 15 percent contingency fee called for in the contract between the State attorney general and the attorneys was reasonable but refused to award a specific dollar amount. In that State, the Governor has now petitioned the court to reconsider its decision and has asked for an evidentiary hearing. The decision is not expected until later this year.

In Florida, as I indicated, the State court rejected as unconscionable the fee request of the attorneys. Well, good for the court in Florida; they should have rejected it as unconscionable. But that is where the decision ought to be made. It should not be made here in this Chamber where we are not privy to the facts in each of these cases and not in the position to determine what are the appropriate legal fees.

Let me say further that the Gorton amendment would interfere in private contracts. That is a very serious matter. Where a State attorney general has entered into an agreement with an outside law firm, I think it is highly questionable for the Senate to reach behind that contract and say we know better, we know what the appropriate legal fees should be, and we divide it on this arbitrary basis as is called for in the Gorton amendment. I do not think I have ever heard our colleagues on the other side of the aisle call for interference in private contracts. I do not think that is a precedent that stands much scrutiny.

I am going to have more to say about this amendment as we go forward. I would say that Senator GORTON, I think, has done the most serious job of trying to address this vexing question, to try to prevent windfalls to attorneys, but I am afraid it fails at least the test that I would apply for something that can meet the very different standards one sees all across the country in the literally thousands of different cases where legal fees apply.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Washington.

Mr. GORTON. Mr. President, the Senator from North Dakota finds himself on the horns of a delicious dilemma. He feels there may be cases in which the amendment I propose would result in attorneys' fees being awarded that are too great, and so his answer is to reject the amendment and allow attorneys' fees in any amount. Attorneys' fees in one case, in Texas, I believe, have already been approved by the court in an amount more than 10 times higher than the highest amount in this amendment. I am afraid the Senator from North Dakota misreads the amendment.

The heart and soul of the amendment is a set of criteria for determining reasonable attorneys' fees, listing a wide range of factors, some of which we have discussed here, but leaving the matter to the discretion of the court. There is a limitation imposed on the discretion of the court by the amendment in the amounts that we have stated and debated. This is a cap and by no means a floor.

The Senator from North Dakota says that the better system is the system that is included in this bill, a system of arbitration. But, and the current Presiding Officer has read this very carefully, this is some kind of arbitration. This arbitration is to be decided under the bill by three arbitrators —one appointed by the plaintiff's trial lawyer himself, one appointed by the plaintiff, and a third appointed by the first two. The plaintiff has already signed an agreement—the plaintiff in most of these major cases is the State—they have signed an agreement, in some cases, for a 25-percent contingency fee on billions of dollars' worth of recoveries. Who is going to represent the public interest in this arbitration? No, Mr. President, there isn't anyone there to do that.

Mr. CONRAD. Will the Senator yield for a quick point?

Mr. GORTON. Sure.

(Mr. COATS assumed the Chair.)

Mr. CONRAD. I think the Senator misspoke himself. The Senator indicated in the arbitration panel one would be appointed by the plaintiff, one by the plaintiff's lawyer, and then one by the two. I am sure the Senator will acknowledge it is one by the defendant, one by the plaintiff, and the two of them determine the third member. Section 1413 provides how the arbitration panel will work. Obviously, the two sides at issue each pick one, and the two of them pick the third. That is the standard means of establishing an arbitration panel.

Mr. GORTON. I am reading section 1413. It says:

. . .In any such arbitration, the arbitration panel shall consist of 3 persons, one of whom shall be chosen by the plaintiff, one of whom shall be chosen by the attorney, and one of whom shall be chosen jointly by those 2 arbitrators.

That is not plaintiff and defendant. That is a fixed deal. In any event, to say that because it is possible that this sets a ceiling, that a $4,000 fee or a $2,000 fee might be too great a ceiling, we should, therefore, have no ceiling at all, we should, therefore, allow attorneys' fees that have already been approved in far larger amounts, is, I think, a difficult argument to make.

The Senator from North Dakota makes it very well. But, in fact, the Congress of the United States has set attorneys' fees in all kinds of cases. They were discussed a few days ago by the Senator from Alabama and by others. There are many forms of litigation against the government itself in which we have set attorneys' fees that now, I think, are rather modest with the passage of time.

This is not unprecedented by any stretch of the imagination. What is unprecedented is the generosity of the proposal that I have put before the Senate. It is not unprecedented from the point of view of whether or not we have done it. No, we either have to say that because the States of these attorneys have come to us and have asked us to regulate tobacco in every conceivable, possible fashion, because they have asked us for a bill—this bill that makes it almost impossible for them to lose a case in the future because it totally changes the burden of proof—that we can say there is a certain level beyond which the conscience just simply doesn't allow attorneys' fees to go, or you have to take the position that we can regulate everything with respect to tobacco to the minutest degree, but we dare not touch attorneys' fees, personally, I think that is a very, very difficult argument to make.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. CONRAD. Will the Senator from Minnesota yield for just one moment?

Mr. WELLSTONE. I will be pleased to yield if I can have the floor.

The PRESIDING OFFICER. The Senator is entitled to yield for a question in order to regain the floor.

Mr. CONRAD. I ask unanimous consent, so I can get recognition, that the Senator from Minnesota be recognized right after I finish. I will take 1 minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I want to clear up this confusion about the arbitration panel. On page 438 of the bill it says:

* * * the arbitration panel shall consist of 3 persons, one of whom shall be chosen by the plaintiff—

In this case, the State, who has hired the attorney—

one of whom shall be chosen by the attorney—

That would be the claimant for the fees—

and one of whom shall be chosen jointly by those 2 arbitrators.

That is the standard method of setting up an arbitration panel. Nothing new, nothing unusual here. That is the way of setting up an arbitration panel

to get a result that is fair to both parties.

I say to my colleague from Washington, for us to decide we have better judgment than the State courts that administer the cases that are before them, I think, is a huge mistake. We talk about micromanagement. When we start deciding legal fees in this Senate Chamber, we are making a mistake. We do need to be worried about windfalls to attorneys; absolutely we do. That is why arbitration panels were included in the legislation that came out of the Commerce Committee on a 19-to-1 bipartisan vote. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, my colleague from North Dakota has spoken to the arbitration provision in the legislation. I shall not do so. I just want to present a Minnesota perspective for just a moment.

I come from a State where we just went through a very important trial. The lawyers in my State, working with the attorney general, were able to unearth 33 million pages of documents—33 million pages of documents. This was during a discovery process that went from August 1994 to the end of 1997. Many of those documents have had an enormous impact, not just on the settlement in Minnesota, which was a very important settlement, but also directly on the debate in the U.S. Congress. Thirty-nine thousand pages of those documents were ordered produced by the Minnesota judge and were ultimately subpoenaed by the House of Representatives and made public on the Internet.

What I want to do is speak to the part of this amendment that concerns me the most. I have had some discussion with my colleague from Alabama, and I have said to him, ''Why don't you, in fact, not make this retroactive,'' when he had his similar amendments on the floor, because I don't think we should be taking action here that reaches back to the Minnesota settlement, which has already been entered into and has been declared final by the court. We already have an arrangement between the State and the Attorney General and the lawyers who represented our State. Congress should not disturb that.

I think the amendment of my colleague from the State of Washington has a different weakness and that is its lack of evenhandedness. What I want to see at a bare minimum is to have the same kind of caps or limits put on those attorneys representing the tobacco companies. I say to colleagues, when you vote on this amendment, the thing you ought to fasten your attention on is that we don't have the same kind of ceiling, the same kind of caps put on fees that go to lawyers representing the tobacco companies. I see nothing here that does that, in which case I would argue that we are hardly talking about a level playing field.

I think the problem with the amendment is that it just simply lacks balance. I cannot support an amendment that puts caps on the fees of plaintiffs' attorneys representing consumers and representing the attorney general from a State, but at the same time puts no cap at all on the fees of attorneys hired by tobacco companies or other big corporations with their corporate lawyers working with these companies, but there is no cap on the fees. That just simply makes no sense to me from a kind of elementary standard of fairness, and that is why I think the amendment is fatally flawed.

HOMOSEXUALITY AND THE NOMINATION OF JAMES HORMEL

Mr. WELLSTONE. Mr. President, before I give up my time on the floor, I just want to take 1 minute also to mention another matter that has something to do with fairness. I am going to do this with a tremendous amount of sensitivity, but I just want to take a minute to mention this.

There were a number of newspaper articles today which report on the majority leader's comments about homosexuality. I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 16, 1998]

LOTT SAYS HOMOSEXUALITY IS A SIN AND COMPARES IT TO ALCOHOLISM

(By Alison Mitchell)

WASHINGTON, June 15—In an interview about his personal beliefs, Senator Trent Lott, the majority leader, told a conservative talk show host today that homosexuality is a sin and then compared it to such personal problems as alcoholism, kleptomania and ''sex addiction.''

The Mississippi Republican made his remarks in a 40-minute taped interview conducted by Armstrong Williams for the America's Voice network, a cable television network. The interview—part of a series on some of the nation's political leaders—was timed for Father's Day and is scheduled for broadcasting over the weekend or next week.

Mr. Lott and Mr. Williams explored a range of social topics from Mr. Lott's thoughts on disciplining children (he said that on occasion he used a belt) to his opposition to abortion to his views on the role of men and women in marriage. He described his childhood growing up in Mississippi in the late 1950's and early 1960's as a ''good time for America.''

Mr. Lott has made his views on homosexuality known in the past, speaking out in 1996 against a bill, narrowly defeated by the Senate, that would have banned discrimination against homosexuals in the work place. At the time he called the legislation ''part of a larger and more audacious effort to make the public accept behavior that most Americans consider dangerous, unhealthy or just plain wrong.''

Asked today by Mr. Williams whether homosexuality is a sin, Mr. Lott replied, ''Yes, it is.'' He added that ''in America right now there's an element that wants to make that alternative life style acceptable.''

Mr. Lott said: ''You still love that person and you should not try to mistreat them or treat them as outcasts. You should try to show them a way to deal with that.'' He said his own father had had a problem with alcoholism, adding: ''Others have a sex addiction or are kleptomaniacs. There are all kinds of problems and addictions and difficulties and experiences of this kind that are wrong. But you should try to work with that person to learn to control that problem.''

With the investigation of President Clinton's connection to a former White House intern as a backdrop, Mr. Lott also spoke about his marriage to his wife, Tricia. He said he had never been unfaithful in their 34 years of marriage ''because I love her and because I believe that's wrong.''

Asked if he was ever tempted, he allowed: ''Sure I was. I'm a human being.'' But he said he took great care to insure that his behavior was beyond reproach. When he travels in his Mississippi district with a woman who works for him as a field worker, he said, ''I would never get in a situation where it was just the two of us in a car.'' He said he took that precaution ''because just the appearance bothered me.''

Mr. Lott said his opposition to abortion was taught to him by his mother. He remembered coming home from high school and telling his mother he thought abortion might be acceptable under certain conditions, only to see her drop a dish towel and burst into tears. ''She started crying and said, 'If I have raised you to have no moral respect for human life then I have failed,' '' he said.

Mr. Lott, who is a Southern Baptist, stepped carefully when asked about the Southern Baptist Convention's declaration that a woman should ''submit herself graciously'' to her husband's leadership. He said that he felt ''very strongly'' about his faith, but said he would speak of marriage roles ''in different terms.'' Spouses, he said, should ''serve each other.''

[From the Washington Post, June 16, 1998]

LOTT: GAYS NEED HELP ''TO DEAL WITH THAT PROBLEM''

Senate Majority Leader Trent Lott (R–Miss.) said yesterday that he believes homosexuality is a sin and that gay people should be assisted in dealing with it ''just like alcohol...or sex addiction...or kleptomaniac.''

While taping an interview for ''The Armstrong Williams Show,'' a cable television program, Williams asked Lott if he believed homosexuality is a sin. The senator replied, ''Yeah, it is.''

Lott added: ''You should still love that person. You should not try to mistreat them, or treat them as outcasts. You should try to show them a way to deal with that problem, just like alcohol...or sex addiction...or kleptomaniacs.

''There are all kinds of problems, addictions, difficulties, experiences of things that are wrong, but you should try to work with that person to learn to control that problem,'' he said.

Lott's comments show ''how the extreme right wing has a stranglehold on the leadership'' of Congress, said Winnie Stachelberg, political director of the Human Rights Campaign, the nation's biggest gay political organization, Stachelberg also said Lott is ''out of step'' with scientific studies of the causes of homosexuality.

Some groups believe homosexuality is a chosen lifestyle and have searched for a ''cure'' for being gay. Many in the gay community, however, insist that homosexuality is a matter of biology.

''The medical community, the mental health community for 20 years now has

known homosexuality is not a disorder,'' Stachelberg said.

Lott spokeswoman Susan Irby declined to comment on Stachelberg's remarks.

Williams, the television program host, said the interview probably will be aired this week.

Mr. WELLSTONE. Mr. President, the majority leader, when asked whether or not homosexuality is a sin, stated, ''Yes, it is.'' He added that ''in America right now there's an element that wants to make that alternative lifestyle acceptable.'' Then he went on to say, ''Others have a sex addiction or are kleptomaniacs. There are all kinds of problems and addictions and difficulties and experiences of this kind that are wrong. But you should try to work with that person to learn to control that problem.''

He also said—to be fair to the majority leader—''You still love that person and you should not try to mistreat them or treat them as outcasts. You should try to show them a way to deal with that.'' That was the beginning of the quote. I do not want to take anything out of context.

Mr. President, I am concerned about calling homosexuality a sin, comparing it to the problems of alcoholism or other diseases. I am concerned because of the medical evidence. I am concerned because I think that in many ways this statement takes us back quite a ways from where we are.

We do not bash each other here; and there is civility here. That is what I like best. So let me just simply say, the majority leader is entitled to his view and he is entitled to his vote. But I am concerned. I have been on the floor of the Senate week after week talking about the nomination of James Hormel. I really believe that, given this statement by the majority leader, and given other statements that have been made, the U.S. Senate would be better off if we bring this nomination to the floor.

It was literally back in November of last year, November 4, 1997, that Mr. Hormel was voted out of the Senate Foreign Relations Committee by a 16–2 vote. There have been holds on the nomination. We ought to bring it to the floor so that we can have an honest discussion. The majority leader is entitled to his opinion and he is entitled to his vote, but the rest of us are also entitled to our opinions and we are entitled to our votes.

I think it is extremely important that this nomination be brought to the floor; that we have an honest discussion. No acrimony whatsoever, but please let us deal with this issue, and let us give Mr. Hormel the fairness that he deserves. I will not talk more about him right now. I will not talk about his very distinguished career. But I must say, given the majority leader's statements, it makes me stronger in my belief that we need to bring this nomination to the floor, and we need to have a discussion about this question.

It will be a civil discussion. It will be an honest discussion. I think the vast majority of Senators are ready to vote for Mr. Hormel. I will have an amendment that I will put on a bill that will deal with this question, probably the first bill after the tobacco bill. But where I want to get to is to bring this nomination to the floor. Otherwise I worry about a climate that is going to become increasingly polarized, increasingly poisonous, and we do not want that to happen. We do not want that to happen.

So I am hopeful that the U.S. Senate, in a spirit of civility and honesty with one another, and honesty with Mr. James Hormel, will bring this to the floor.

I thank my colleagues for letting me also mention this matter. I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The Senate continued with the consideration of the bill.

Mr. SESSIONS. Mr. President, I would like to thank——

Mr. GORTON. Will the Senator yield?

Mr. SESSIONS. I will.

AMENDMENT NO. 2705, AS MODIFIED

Mr. GORTON. Mr. President, I have a modification of my amendment at the desk. And I take it that I have the right to modify the amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of the pending amendment, add the following:

SEC. LIMIT ON ATTORNEYS' FEES.

(a) FEES COVERED BY THIS SECTION.—Notwithstanding any other provision of law, or any arrangement, agreement, or contract regarding attorneys' fees, attorneys' fees for—

(1) representation of a State, political subdivision of a state, or any other entity listed in subsection (a) of Section 1407 of this Act;

(2) representation of a plaintiff or plaintiff class in the Castano Civil Actions described in subsection (9) of Section 701 of this Act;

(3) representation of a plaintiff or plaintiff class in any ''tobacco claim,'' as that term is defined in subsection (7) of Section 701 of this Act, that is settled or otherwise finally resolved after June 15, 1998;

(4) efforts expended that in whole or in part resulted in or created a model for programs in this Act,

shall be determined by this Section.

(b) ATTORNEYS' FEES.

(1) JURISDICTION.—Upon petition by any interested party, the attorneys' fees shall be determined by the last court in which the action was pending.

(2) CRITERIA.—In determining an attorney fee awarded for fees subject to this section, the court shall consider—

(A) The likelihood at the commencement of the representation that the claimant attorney would secure a favorable judgment or substantial settlement;

(B) The amount of time and labor that the claimant attorney reasonably believed at the commencement of the representation that he was likely to expend on the claim;

(C) The amount of productive time and labor that the claimant attorney actually invested in the representation as determined through an examination of contemporaneous or reconstructed time records;

(D) The obligations undertaken by the claimant attorney at the commencement of the representation including—

(i) whether the claimant attorney was obligated to proceed with the representation through its conclusion or was permitted to withdraw from the representation; and

(ii) whether the claimant attorney assumed an unconditional commitment for expenses incurred pursuant to the representation;

(E) The expenses actually incurred by the claimant attorney pursuant to the representation, including—

(i) whether those expenses were reimbursable; and

(ii) the likelihood on each occasion that expenses were advanced that the claimant attorney would secure a favorable judgment or settlement;

(F) The novelty of the legal issues before the claimant attorney and whether the legal work was innovative or modeled after the work of others or prior work of the claimant attorney;

(G) The skill required for the proper performance of the legal services rendered;

(H) The results obtained and whether those results were or are appreciably better than the results obtained by other lawyers representing comparable clients or similar claims;

(I) The reduced degree of risk borne by the claimant attorney in the representation and the increased likelihood that the claimant attorney would secure a favorable judgment or substantial settlement based on the progression of relevant developments from the 1994 Williams document disclosures through the settlement negotiations and the eventual federal legislative process;

(J) Whether this Act or related changes in State law increase the likelihood of the attorney's success;

(K) The fees paid to claimant attorneys that would be subject to this section but for the provisions of subsection (3);

(L) Such other factors as justice may require.

(3) EFFECTIVE DATE.—Notwithstanding any other provision of law, this section shall not apply to attorneys' fees actually remitted and received by an attorney before June 15, 1998.

(4) LIMITATION.—Notwithstanding any other provision of law, separate from the reimbursement of actual out-of-pocket expenses as approved by court in such action, any attorneys' fees shall not exceed a per hour rate of—

(A) $4000 for actions filed before December 31, 1994;

(B) $2000 for actions filed on or after December 31, 1994, but before April 1, 1997, or for efforts expended as described in subsection (a)(4) of this section which efforts are not covered by any other category in subsection (a);

(C) $1000 for actions filed on or after April 1, 1997, but before June 15, 1998;

(D) $500 for actions filed after June 15, 1998.

(c) SEVERABILITY.—If any provision of this section or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this section and the application of the provisions of such to any person or circumstances shall not be affected thereby.

Mr. GORTON. I thank the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Washington for his legislation, which I am pleased to support.

I suppose it is round four in this battle. This is the fourth vote we will have had on it. I think the Senator from Washington has attempted in good faith to deal with some of the complaints that have been raised about capping attorneys' fees.

Our last vote was at $1,000 an hour. He has come in and said, well, if you establish certain things, and you started early, and you worked hard on this and are one of the people who really deserve credit for this litigation, you could get up to $4,000—that is up to $4,000. So it should not be criticized as a guarantee of $4,000 per hour. I think these judges would decide on that. But he caps it at that amount. For other people who were involved less in the case, it would be capped later.

And to my good friend, the Senator from Minnesota, he talked about the Minnesota perspective. I believe Minnesota has been at this some time. They worked a number of hours on this case. They would be paid at least $2,000, and I believe up to perhaps $4,000 per hour for their work, depending on how much the judge were to give them. I think that is a very generous legal fee. As a matter of fact, it goes beyond what I would consider within the mainstream.

As a matter of fact, I was just called off the floor a few minutes ago and met a group of young people from my home State. And I asked them if they thought $4,000 an hour—how would they feel about that to pay an attorney for doing legal work. And they did not think I was serious. They thought it was a joke. Talking about $4,000 an hour—that is a lot of money. So I think we have to deal with this.

Let me talk briefly about the fact that Senators on the other side have suggested, well, we have an arbitration process. The arbitration process is not between the people who are paying the fees or the defendants in the litigation. The arbitration process is between the plaintiffs, which in this case are the States represented by the attorneys general, and their attorneys, the plaintiffs' lawyers, the attorneys. And what it says is, if they are unable to agree; that is, the attorney general and the lawyer he hired and who agreed to a certain fee, if those two are unable to agree with respect to any dispute that may arise between them regarding the fee agreement—regarding the fee agreement—then the matter goes to arbitration, then the matter goes to arbitration. Under the fee agreement, they are talking about a 25 percent, 20 percent, 15 percent contingent fee, which would enrich these lawyers to an extraordinary degree.

What the Senator from Washington has understood—and I think his legislation recognizes—is that a lot of the attorneys in this litigation have done little or no work. A few of these cases were started early on; a lot of legal work was done; a lot of attorney investment and time and some personal funds were expended on behalf of this litigation. And that is one thing.

But as the time went by, other States joined. Many of them joined in a matter of weeks or a matter of months before the settlement by the tobacco companies was offered. Those lawyers now want to walk in and claim 25 percent of what is being paid in, and they worked only a very few hours on this case.

Some of these lawyers, it has been estimated, according to a professor from Cardozo Law School, are to receive as much as $92,000 per hour—$92,000 per hour—unless something is done about it. So I think we have to act now. We have a responsibility to act. And I am certain of that.

Mr. GORTON. Will the Senator from Alabama yield?

Mr. SESSIONS. I certainly will.

Mr. GORTON. Is the Senator from Alabama aware of the fact that the U.S. district court of Texas has determined that a legal fee of $2.3 billion would be reasonable?

Mr. SESSIONS. I am aware of that. And I am glad the Senator from Washington made that insightful observation.

Mr. GORTON. Does not the Senator from Alabama agree that is a matter in which we here in the Congress, dealing with this bill, can be interested in saying, no, that is too high?

Mr. SESSIONS. I certainly do.

Mr. GORTON. I thank my friend from Alabama.

Mr. SESSIONS. With regard to the Florida case, the trial judge found it was unconscionable, as I hope this body finds these fees are unconscionable. But that case has been reviewed at a higher court and that opinion has been withdrawn.

So we don't know yet whether the lawyers in Florida will get $2.8 billion that they request or not. In fact, Mr. Montgomery, the lead attorney in the case, said he fully expects to be paid what his fee agreement said. He expects to prevail. He says he has a contract.

How can we violate contracts? We violate contracts all the time in this body. We are telling the tobacco companies they can't advertise. Many of them have advertising contracts extended for years. We are changing the whole way of doing business about tobacco. Everything about the tobacco business is being changed by this legislation. It is a comprehensive legislation in which we deal with almost every aspect of it. One of those aspects ought to be how much these fees should count for.

I was in Alabama recently to see one of the finest and biggest industrial announcements in the history of the State and one of the largest in the country. Boeing is going to build a rocket plant near Decatur. It is 50 acres under one roof. They told me with great pride that the cost of that building and facility and land and construction would be $450 million. We are talking about attorneys in Florida asking $2.8 billion, five or six times that much, five or six times the cost of one of the largest industrial announcements in America by one of the world's largest corporations. That is the extent of the fees we are talking about in Alabama. The general fund of the noneducation budget is less than $1 billion. These attorneys are asking for more than that.

As a matter of fact, a professor from Cardozo Law School estimates that it will make 20 to 25 attorneys in America billionaires. I had my staff check. I believe the Fortune Magazine that rates America's richest people, the world's richest people, listed 60 billionaires in the United States. This litigation, unless we act, could create 20 more billionaires, many of whom have worked less than a year, maybe even only a few months, on the cases with which they are dealing.

Now, I am not against a contingent fee. I support that concept. But the attorneys and the attorneys general have come to the Congress and asked us to legislate. The plaintiff attorneys have and the attorneys general have asked us to comprehensively review this entire process and litigate on it. This is an unusual type of case because we have never seen these kind of moneys before and we have never seen these kind of fees before.

It is perfectly appropriate for us to contain them. As the Senator from Washington said, we limit fees to $125 an hour in equal access to justice cases. Appointed criminal attorneys in Federal court get paid $75 an hour. I think $2,000, $4,000 an hour is enough. It will make them rich beyond all imagining, just that alone. If they haven't done any work on the case and don't have any hours into the case, they ought not be made any more rich than they are.

Mr. CONRAD. Will the Senator yield?

Mr. SESSIONS. I yield.

Mr. CONRAD. In the Senator's previous amendment, didn't the Senator have a cap of $1,000 an hour?

Mr. SESSIONS. Yes.

Mr. CONRAD. How can this Senator justify supporting an amendment now that goes to $4,000 an hour?

Mr. SESSIONS. I am glad to answer that. First of all, if we don't cap it at $4,000 an hour, we are likely to end up as in Texas at $92,000 an hour. A judge has approved that fee in Texas. It is going to go through. So certainly this is better than nothing.

No. 2, the fee is capped at $4,000 an hour. A judge must consider the skill, the expertise, the commitment, and the value of the contribution of that attorney. Some flunky in the firm isn't going to be paid $4,000 an hour. The lead lawyers, the ones who have demonstrated the greatest skill and leadership and effectiveness, would have the opportunity to reach that high but no higher.

So it is certainly a step in the right direction and preferable to nothing, although, as you well know, I was very supportive of the $1,000-per-hour cap.

Mr. CONRAD. Could I ask the Senator a further question?

Mr. SESSIONS. Certainly.

Mr. CONRAD. Is it not the case in the Texas matter that there has not been a dollar paid and there is no final resolution of that matter, that that matter is on appeal, and the Governor has interceded in that case?

Mr. SESSIONS. That is correct. But the suggestion that judges are going to somehow guarantee that these exorbitant, as you indicated, unconscionable fees will not occur is not clear from that case because the judge has, in fact, affirmed that case.

The Governor, George Bush of Texas, is doing everything he can to resist the payment of those exorbitant fees, but he has not yet prevailed. We don't need to have litigation in every State in America. We ought to comprehensively legislate this legislation with all of the others in this case.

Mr. CONRAD. One final question I ask of the Senator. Isn't the Senator concerned, as I am, that the $4,000-per-hour fee cap that is supposed to be a cap, supposed to be a ceiling, could well turn into a floor, and the fact is that we will see unconscionable attorneys' fees under this amendment?

The Senator viewed $1,000 an hour as a limit and now this has $4,000 an hour as a limit. Isn't it possible that we will see absolutely unconscionable attorneys' fees out of an amendment like this?

Mr. SESSIONS. Let me respond with a question. Does the Senator from North Dakota believe there should be no cap on the attorneys' fees?

Mr. CONRAD. The Senator from North Dakota believes that the Senate is ill equipped to reach into the thousands of cases across the country and determine what is an appropriate fee. The Senator from North Dakota is the author of the arbitration provisions that are in this bill because I concluded after listening to witnesses on all sides that we could see truly outrageous returns to attorneys, windfall profits for attorneys under the cases that are across the country. The best way to stop that was arbitration panels. Any time we fix an arbitrary fee amount, it may be way too much or may turn out to be too little.

I must say, I can't imagine any circumstance in which $4,000 an hour is too little. I can imagine a circumstance in which, as a previous amendment had $250 an hour proposed, I can imagine for those firms that went out on their own nickel and took on the tobacco industry, that they faced a very tough circumstance, $250 an hour may be too little.

I really am very concerned when we say $4,000 an hour and we put our stamp of approval on that. For every case that was filed back before 1994, we will wind up with a circumstance where people get unjustly enriched.

Mr. SESSIONS. I understand that, but the point clearly is this is a cap of $4,000 per hour. It is not a guarantee of $4,000 per hour. I preferred a cap of $1,000 per hour. The Senator from North Dakota opposed that. So we raised the figure now. I don't see how anybody can complain about this cap.

As to this arbitration agreement, it either does one of two things: It either violates the contracts and, therefore, the legislation written by the Senator from North Dakota has, in fact, undertaken to override the fee written agreement between the attorneys general and their plaintiff lawyers; or it does not.

I am afraid, however, that it doesn't do what the Senator from North Dakota suggests, because the way I read it, the only complaint that can be made is when the attorney general disagrees with the amount of the fee with the lawyer he hired. The exact language is:

> With respect to any dispute that may arise between them regarding the fee agreement, the matter shall be submitted to arbitration.

So, I am not sure that this arbitration agreement has any impact whatever on attorneys' fees. The only thing that would happen is some judges may find it unconscionable and just refuse to enforce it. That is obvious to us, that many of these agreements are unconscionable and ought not to be enforced.

With regard to the Florida fee where the judge held it to be unconscionable, those lawyers have worked a pretty good while on that case. They have done a pretty good amount of work.

The lawyers in Mississippi and Texas have put in a lot of work. The lawyers in Minnesota have put in a lot of work. But there are quite a number of States where the attorneys have done almost no work and they expect to receive a billion dollars. A lawyer, Mr. Angelos, who I believe owns the Baltimore Orioles, had a 25 percent agreement with the State of Maryland. After the case collapsed and they agreed to pay the money—and I don't know how long after he filed the lawsuit, but he certainly wasn't one of the early hard workers on the litigation—he agreed to cut his fee in half to 12.5 percent. That was real generous of him. As I read that in the newspapers, that was a billion dollars. That 12.5 percent was over a billion dollars. And he has done almost nothing.

These are fees the likes of which the world has never seen in history. The amount of work that went into obtaining these fees is minuscule in many cases, and as we are going about tobacco legislation, we simply ought not to allow it to happen. I can't say how strongly I believe that is true. No bill should come out of this Congress that does not have a realistic cap on attorneys' fees. To do so would be to dishonor the taxpayers of this country. And to argue, as some have, that it is being paid by the lawyers or the tobacco companies, and therefore not paid by the citizens of the country, is likewise an improper and unacceptable argument.

The truth is that any way you look at it, it is money paid by the tobacco companies to settle the lawsuit. It is sort of unwise and unhealthy, in my opinion, for it to be structured this way. Well, the plaintiff lawyers who are representing the State of Alabama, or the State of Mississippi, say: State of Mississippi, you don't have to pay my fee; I will just take my fee over here from the tobacco companies; they will pay it.

Well, one of the classic rules of law is that a person who pays your fee is the one you have loyalty to. It creates an impermissible conflict of interest, in my view, between the attorney and his true client—the State—that he is representing. So sometimes they argue that it doesn't count because it was paid by the tobacco companies. That is bad from an ethical point of view, in my opinion. It is also an unjustified argument, because the tobacco company doesn't care whether the money they pay goes to the attorneys' fees or to the State, they just want the lawsuit to end, so they will pay some of it over there and some over there. They just say, ''Tell me where you want me to pay it, State of North Dakota, and I will write the check. Do you want me to write a billion dollars to the attorneys? I will do it. Or I will write you a check for $4 billion. Whatever you say.'' It is just money to settle a lawsuit to them. Certainly that billion dollars could have been put in for health care, tax reductions, and other good things. So that argument, to me, is very unhealthy.

In the history of litigation throughout the entire world, we have never seen the kind of enrichment possibilities that exist for attorneys as it exists in this case. With regard to the Florida case, although the trial judge found it unconscionable and he tried his best to eliminate it, his opinion has been withdrawn and is not the final court opinion. The attorney who stands to gain the money still asserts he hopes to get those fees exactly as he was promised. With regard to Texas, a judge has approved a $2.3 billion attorney fee already. I don't know if Governor Bush can succeed in turning that around or not. He is doing all he can to do so, as well he should, because when you consider how much Texas could use $2.3 billion, as any State could, he ought to resist the loss of that revenue for the people of Texas.

I think the Senator from Washington has worked hard on this amendment. He has listened to the objections from the other side, and he has sought to draft a piece of legislation that would meet those objections. It pays a little more than I think is necessary, but it would have a significant impact in containing the most unconscionable fees that are likely to occur in this matter. I think he has done a good job with it. It certainly does not mandate $4,000-

per-hour fees. A judge has to justify those kinds of fees in a finding. That should mean that young lawyers who may have just done basic background work, or a little research and other types things, won't be paid $4,000; only the very best will.

I think it is a good step forward. We will now see who wants to pay these attorneys a legitimate wage for their work. This is a legitimate wage for their work. I expect that we would have bipartisan support for Senator GORTON's amendment. It is a good amendment. It is a generous amendment for the trial lawyers. It rewards them to a degree that is unheard of for their work. I don't know of any fees I have ever heard of at $4,000 per hour. It ought to bring this matter to a conclusion. Again, I don't believe we will have any legislation on tobacco that does not contain a limitation on attorneys' fees, and that certainly represents my opinion.

I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, this is a well-intentioned amendment but it is a profound mistake—absolutely profound. The Senator from Alabama said the courts would have to justify paying the $4,000 an hour provided for in this amendment. We have just provided the justification. If you read the amendment, it says, ''The amendment sets the following limits on attorney's fees: $4,000 an hour for actions filed before 12/31/94.''

Well, guess what? If you file an action before 12/31/94, you just hit the gusher, you get $4,000 an hour. And the U.S. Senate has said that is OK. I don't think the Senate of the United States should say OK to $4,000 an hour for every case filed before 12/31/94. How can we possibly justify that on the floor of the U.S. Senate?

This amendment says that you get $2,000 an hour for any action filed between 12/31/94 and 4/1/97—$2,000 an hour. Again, you hit the jackpot. It is almost like playing instant lotto and you are a guaranteed winner, because if you filed a case before 12/31/94, you get $4,000 an hour, and the U.S. Senate says that is an appropriate fee. Well, this Senator is not going to say that is an appropriate fee, and this Senator is not going to say it is an appropriate fee to provide $2,000 an hour if you filed any time between 12/31/94 and 4/1/97—absolutely not.

The Senator from Washington argued persuasively on the last amendment, which had a $1,000 cap, that it might be too much or it might be too little. Now we have $4,000. Well, I can guarantee you that, in most cases, that is far too much. Yet, the U.S. Senate will be on record as saying that is an appropriate legal fee. I don't think it is an appropriate legal fee. As one Senator, I am not going to endorse that.

Mr. SESSIONS. Will the Senator yield?

Mr. CONRAD. Yes.

Mr. SESSIONS. Would the Senator recognize that the language that he quoted starts off and says, ''attorneys' fees as approved by the court in such action'' and ''any attorneys' fees shall not exceed the per hour rate of . . .'' Then there is a set of criteria for the judge to consider what the hourly fee should be. I suggest that very few will justify reaching that rate. But whatever, it will be decided by judges on a case-by-case basis.

As the Senator suggested, he believes that some cases are different. This allows flexibility.

Would the Senator not agree with that?

Mr. CONRAD. No; the Senator would not agree with that, because this is the exact criterion that is included in the bill with respect to reforming the arbitration panel decisions—the exact same criterion. I know what is going to happen. The courts out there are going to see that the U.S. Senate says that it is appropriate to bill $4,000 an hour if your action was filed before 12–31–94. That is what is intended—is the ceiling is going to become a floor. And we are going to see case after case where the attorneys are unjustly enriched at $4,000 an hour.

That is exactly what is wrong with this kind of an amendment. It is arbitrary, it is capricious, it sets a limit that allows for unjust enrichment, and it will have the stamp of endorsement of the U.S. Senate. That is a profound mistake. We shouldn't be in the business of deciding what the legal fees are in any case. That is not our business. That is overreach. That is the kind of micromanagement that people on the other side of the aisle have warned us against. It is the kind of thing that people resent, because they know we can't possibly know the factual matter in each and every case that is before a court in every jurisdiction in this country. For us to substitute our judgment for State judges' determinations of what are the appropriate legal fees in a case is a profound mistake. We shouldn't do it.

I go on to point out in the amendment that the Senator from Washington just changed his amendment. The change he made is very interesting. He just sent a modification to the desk that says, upon petition by any interested party, the attorneys' fees shall be determined by the last court in which the action was pending.

Those words don't seem to really mean much. But do you know, they mean a lot. They mean a lot. What they mean is that in the four cases that have already been resolved where the tobacco industry has agreed to pay the attorneys, that now they would be able to come in the back door and challenge the fees that they already agreed to. That is what this language could do. This little modification was just sent so quietly to the desk and received no explanation. ''Any interested party.'' That means Philip Morris might challenge the attorneys' fees of the attorneys that brought the case against Philip Morris. That is a pretty good deal.

That is exactly the kind of thing we shouldn't be doing. That is not the kind of thing we should be allowing. That isn't the kind of thing that should be permitted here on the floor of the U.S. Senate.

Let me say to my colleagues who are well intended on the other side, to put in a stamp of approval by the U.S. Senate that $4,000 an hour is an appropriate legal fee is just a profound mistake. We embarrass this Chamber, we embarrass this Congress, by putting our stamp of approval and say $4,000 an hour is OK. I don't believe the Senator from Alabama believes $4,000—I mean, I think it is preposterous, and yet we are about to vote seriously on an amendment that says $4,000 an hour is OK. I don't think it is OK. I don't think it should be approved.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, here we go again.

There are people who hate trial lawyers just intuitively and instinctively. I guess the fact that I used to be one before I was elected to the House of Representatives, I kind of take exception to that observation.

But I can recall times in my legal practice when people would walk into my office who were literally dirt poor. They didn't have any money. They had been injured, or they had some claim. And, frankly, the only opportunity they had to go to court was if an attorney said, ''OK, we will take it on a contingency-fee basis. If we can win the case, then you pay a part of the winnings. If we don't win, you don't pay anything.'' Contingency fee, trial lawyers—for a lot of people, it is their only ticket to the courthouse.

Who in the world can come up with $50,000 or $100,000 to pay some lawyer or some legal firm when they need representation? A lot of Americans just can't do that.

So this is really a system of justice which gives the plaintiff a ticket to the door of the courthouse on a contingent basis: ''If we win, you pay the lawyer. If we lose, the lawyer gets nothing.''

Take the case of the tobacco companies. Imagine, if you will, 42 State attorneys general who said, ''We want to sue the tobacco companies, the largest corporations in America, the most politically powerful, a group that never loses a lawsuit. How are we going to do that?'' You can't stop the business of representing the attorney general of Illinois or California. The only way you can do this is by going to the private sector, to private attorneys, and saying to them, ''Will you give us a contingent-fee deal here?'' In other words, ''Will you join the State attorneys general in suing the tobacco companies? And, if we win—if we win—you will be

paid. If we lose, you won't get anything.'' Contingency fee basis. Trial lawyers.

And imagine the tobacco company executives when finally it dawned on them that 42 States had found these law firms around the country willing to take on the risk, willing to take the gamble. Was it a gamble, or was this a sure thing? History tells us it was the biggest legal gamble in the history of America. The tobacco companies had never lost a lawsuit—never. Yet, these law firms came forward and said, ''We will help the State attorneys general. We will sign on a contingency-fee basis. Win or lose, let's see what happens.'' We know what happened. It ended up that the tobacco companies came to the realization that they couldn't win. They sat down about a year ago with the States' attorneys general and tried to hammer out some kind of an agreement. Part of that agreement has to be, ''How are we going to pay these attorneys? We agreed we would pay them for what they were going to do if we won.''

Now come the tobacco companies and those people who have no use for trial lawyers to the floor of the U.S. Senate and say, ''We want to have a voice in this process. We want to rewrite these agreements. We want to decide what was fair and unfair.''

I don't think this is a fundamentally sound amendment. I think we should defeat this amendment. Let me give you one basic reason why we should defeat this amendment: Because the critics of the trial lawyers, the critics of the attorneys who brought these lawsuits against the tobacco companies, have done it again, ladies and gentleman. They have come in and said it is an outrage to pay lawyers this amount of money, an absolute disgrace, if they are plaintiffs' lawyers, if they are lawyers representing people who died of cancer, if they are representing people in the State of Illinois who paid out millions of dollars in taxes. But did they put any limit whatsoever on the fees paid to tobacco company lawyers? Not one word.

Take a look at this amendment. It is disgraceful for us to stand up here and say this is a matter of justice, that we are not going to allow these attorneys to be paid that amount of money, and to exempt the tobacco companies' lawyers. Make no mistake: In these lawsuits, these law firms representing tobacco companies have been raking in millions and millions and millions of dollars for decades. Now we know, because of the suit in Minnesota, for example, that there has been an effort to hide important documents behind the attorney-client privilege. We know these lawyers have been complicit in this effort. Do we punish them with this amendment? No, no, no, no. Our anger for lawyers is reserved only for those lawyers who sue tobacco companies, not for the lawyers who defend tobacco companies.

Let me tell you that I think this is fundamentally unfair. It is fundamentally unfair for us to step in at this stage in the proceedings, not only because of the injustice which it does to the lawsuits which have been filed but because if this amendment passes, it applies to future lawsuits as well. Who will stand up in the future and tackle the billionaire giant tobacco companies with the prospect of limitation of legal fees of this magnitude? Four thousand dollars sounds so exceedingly generous until you wonder and speculate what is at risk here. How would a law firm decide to dedicate all of its resources and all of its time for an entire year or more to try to get to trial against the tobacco companies? What a gamble. What a risk. And the people who are pushing this amendment want to make certain that couldn't happen again. They want to close the courthouse doors to make sure that people who head up tobacco companies are not going to be intimidated by these lawsuits.

We would not be here today on the floor of the Senate, we would not be discussing a tobacco bill, if it were not for the initiative of the State attorneys general and were it not for the cooperation of these private attorneys who got involved in the lawsuit.

You hear a lot of speculation: ''You know these lawyers get paid billions of dollars. Isn't that too much?'' Yes; I think it is. But that is my judgment. The judgment in the bill says it will be made by arbitration panels. We will have people sit down and decide what is fair. And in States, they have dramatically reduced the attorneys' fees that would have come to these private firms with these judges' decisions and arbitration panels. And that will continue. That is the right thing to do. But for us to step up as the U.S. Senate to intervene in this debate and say that we know best, to say that the firms that came forward to have the courage to take on the tobacco companies should now be ignored and their agreements be ignored, their contracts pushed off the table, we know best here in the U.S. Senate, I think it is an outrage. It is an outrage for us, and it is an outrage for those in the future who count on this mechanism, who count on the opportunity to go into court and to plead their case in order to find justice.

How many times in the history of this country have this Congress and the President failed to act and relied on the courts? So many times in my lifetime. I can recall the civil rights struggle. It generally started in the courts. It wasn't until the important cases in the 1950s that finally Congress could muster the courage to deal with this thorny issue. And the same thing is true on tobacco. I have been fighting these tobacco companies as long as I have been in Congress.

I have had some victories and I have had some defeats. They are tough customers, and they have a lot of money. And boy do they have a lot of friends in the House and Senate. They found out there was one group they could not buy, the judicial system. They found out that when lawyers could come into court before a jury of peers and argue the case about their deadly product and what they were doing with it, they could not win. A year ago they threw in the towel and said, ''We are ready to settle. We are ready to make big changes in the way we market our product.''

That never would have happened were it not for the judicial system, I am sorry to say. And now we have those who resent that system, the tobacco companies, critics of trial lawyers, who say, ''Isn't it a shame that this happened the way it did. We are going to rewrite history. We are going to change the terms for these attorneys.''

We cannot let them do it because, ladies and gentlemen, we do not know where the next argument is going to be and where the next case will be. These were 42 cases brought on behalf of 42 different States. In my home State of Illinois, Attorney General Jim Ryan, a Republican, a man I admire for the courage in filing this lawsuit, stood up for our taxpayers. Michael Moore in Mississippi was the man who initiated that action.

And now we come to the question, Are we going to close the door in the future to this opportunity? Which will be the group that wants to take on the tobacco companies? How will they muster the resources? How will they put together the lawsuit and the case law to prevail? If this amendment passes, we are tying their hands. We are saying to them that in the future you will not have the same chance as these 42 different attorneys general.

That is fundamentally unfair. To do this and tie the hands of the plaintiffs' attorneys, the attorneys representing the people, while saying that the tobacco lawyers can continue to rake it in, millions of dollars deceiving, millions of dollars defending, that is fundamentally wrong. I stand in opposition to this amendment.

We have an important bill here, a bill that can reduce the number of deaths in America from tobacco. It is a shame that we are diverted now in a battle against trial lawyers. This should be a battle against the tobacco company tactics that lure our children into a nicotine addiction, which for one out of three of them means an early grave. That is what this bill is really about. It is not about lawyers. It is about our kids. I sincerely hope my colleagues on both sides of the aisle will join me in opposing this amendment.

I yield back the remainder of my time.

Mr. CONRAD. Mr. President, I thank the Senator from Illinois for his really superb presentation. He makes many important points about what this amendment is about. I just want to direct my final remarks to those who may think, as I do, that some lawyers are in line for unjust enrichment. I tell you it makes my blood boil to hear

lawyers in Texas may get $2 billion. That is outrageous. That is unconscionable. I do not believe it is going to happen. That matter is on appeal.

In Florida, when the lawyers there submitted bills like that, the court said it was unconscionable and told them to forget it. That is what every State court ought to do when presented with unconscionable claims by lawyers in these cases.

I have to say to my colleagues who are thinking about voting for this amendment, you are going to have to be able to go back home and justify the Senate of the United States saying $4,000 an hour is OK. I do not believe it is. I do not believe you can justify going back home and saying, yes, I voted for an amendment that would provide $4,000 an hour for any case filed before 12–31 of 1994. I do not think people in my State would think the Senate ought to say, well, $4,000 an hour is OK for every case filed before 12–31 of 1994. Boy, I tell you, the best lawyers in my State bill about $150 an hour. And now we would be saying, well, in a tobacco case, if you just happened to file before this magical date of 12–31–94, you get $4,000 an hour. And the Senate has said that is OK. Boy, I tell you, I think that would be a profound mistake.

Let me just say the Senator from Illinois is also correct; there are circumstances where some of the limits are not enough. The $500 an hour which is provided for in this amendment for cases filed after 6–15 of 1998 may be too little. If we discover, going through the documents, that there is some new legal theory to take on the tobacco industry but we say to firms across America you are limited to $500 an hour when you do not have any idea whether you are going to win or not and you may have to put millions of dollars into making the case and then the Senate, in its wisdom, says you are limited to $500 an hour, that is probably too little. What law firm is going to take the case?

And then, as the Senator from Illinois has pointed out, interestingly enough, this amendment applies to one set of lawyers, the lawyers for the people who are hurt by these products. The lawyers for the families of somebody who has contracted cancer or has lung disease or has heart disease, they are limited but the tobacco industry lawyers are not. And the bizarre thing is the limits that are put on here may well be far too much. I really cannot see justifying $4,000 an hour. I don't know how that gets justified. And $2,000 an hour if you filed between 12–31–94 and 4–1–97; $1,000 an hour for actions filed before 4–1–97 and 6–15–98, those are pretty fancy numbers where I come from. So I just think this amendment is a mistake and ought to be rejected by our colleagues.

I thank the Chair and yield the floor.

Mr. MCCONNELL. Mr. President, I rise today to speak, yet again, on the issue of limiting tobacco trial lawyer fees to a reasonable level.

Unfortunately, the Senate has repeatedly refused to limit the fees to a reasonable wage. And, now we are forced to consider an amendment to allow tobacco trial lawyers to earn as much as $4,000 an hour!

But—Mr. President—$4000 an hour is better than the alternative and it's about all we have left. We've tried to cap the fees at a reasonable level, and that's been rejected. A cap of $4000 an hour is our last alternative. If we fail to pass the Gorton amendment, then we will be allowing attorneys to make as much as $88,000 an hour!

Let me remind my colleagues of how we got to $4000 an hour. First, we tried to limit the fees to $250 an hour—nearly 50 times the minimum wage. This attempt was soundly rejected by the Senate. $250 an hour was simply not enough for the trial lawyers.

So, Senator FAIRCLOTH, Senator SESSIONS and I got together to regroup and try again. We discussed how much is enough for the trial lawyers? $500/hour? $750/hour?

We debated these amounts—and frankly—it turned our stomachs to think about the federal government approving a bill to give tobacco trial lawyers $500 an hour or $750 an hour. Especially when you consider that the average lawyer in America only earns about $48 an hour and the average doctor only earns about $100 an hour.

But, we knew that it would be difficult to get the friends of the trial bar to agree to any limit at all. So, we held our noses and introduced a new amendment to cap the lawyer fees at $1000 an hour! Surely, $1000 an hour would be considered a fair wage for the trial bar.

Mr. President, was $1,000 an hour enough for the friends of the trial bar? No, absolutely not. They needed much more. They wanted to maintain the status quo. They wanted the Senate to keep the National Trial Lawyer Enrichment Bill intact.

The friends of the trial bar wanted us to continue to allow: lawyers in Minnesota to earn $4,500 an hour; lawyers in Florida to earn $7,000 an hour—assuming of course that these Florida lawyers worked 24 hours a day for three-and-a-half years; lawyers in Mississippi to earn $10,000 an hour; and lawyers in Texas to earn $88,000 an hour.

So, we tried to cap the fees at $1000 an hour and we lost 50–45. We got closer, but still not enough.

So Senator GORTON has put together a comprehensive outer-limits amendment that says—$4,000 an hour is better than $88,000 an hour. Surely, we can get 51 Senators to agree to that notion.

Now, let me take a minute to address two or three issues raised by the proponents of unlimited billionaire fees for trial lawyers.

Billionaire Lawyer Argument No. 1: ''We're just businesspeople, like anybody else'':

First, Senator DASCHLE argued a few days ago that the Senate should not limit plaintiff's lawyer fees because ''[a] lawyer is a legal businessperson.'' So, Senator DASCHLE is effectively arguing that we should no longer see lawyers as lawyers, but rather we should see them as businessmen and venture capitalists—a few good men looking to make a buck.

With all due respect, I could not disagree more. Lawyers are not supposed to be businessmen and businesswoman out to make up a buck. It is this type of make-a-buck-at-any-cost mentality that drives so much wasteful and frivolous litigation in our society. Too often, litigation is about enriching the lawyer, not compensating the client.

Mr. President, every first-year law student is taught that he or she is not some businessperson out to make a buck. I remember my days in law school where our professors taught us that we were supposed to be fiduciaries—representing the interests of our client, not our own selfish, profit-making interests.

In fact, legal ethics prohibit attorneys from charging fees that are not ''reasonable.'' As Professor Lester Brickman explained in today's Wall Street Journal: ''If the standard of reasonableness has any meaning, it is surely violated by fees of tens of thousands of dollars an hour?''

Moreover, Professor Brickman concluded:

> The public has a compelling interest in preserving legal ethics, including th[e] rule that fees must be reasonable. The higher the fees tort lawyers get, the greater the share they take of injured clients' recoveries. Moreover, the higher the fees, the more tort litigation and the more costs that are imposed on society. The civil justice system, which generates the fees that Mr. Daschle does not want curbed, exists to serve citizens. Lawyers are not businesspeople; they are professionals entrusted with the people's businesses.

So, Mr. President, every lawyer in America knows that he or she has no constitutional right to charge excessive and unreasonable fees. We must pass the Gorton amendment as our last best hope of ensuring that the fees get somewhere near reasonable and rational.

Billionaire Lawyer Argument No. 2: ''Private Contracts Can Never Be Altered'':

Second, the proponents of unlimited lawyer fees argue that the federal government cannot interfere with private contracts in any way, shape or form.

This argument is absolutely nonsensical. The tobacco bill is full of provisions that may force tobacco companies to abrogate contracts with retailers and advertisers—among others. The Supreme Court has made clear that ''Congress may set minimum wages, control prices, or create causes of action that did not previously exist.''

Furthermore, the Court has made clear that private parties may not preempt governmental action by simply entering a contract. Can you imagine if every time that we passed a new minimum wage law, we exempted all employers who have a previous contract

with their employees to pay at a level lower than the new minimum wage? Can you imagine the outcry in the Senate if we exempted private parties from a new minimum wage law whenever those parties had a contract ''preempting'' Congressional action?

I also find it curious that my colleagues on the other side of the aisle argue on the one hand that the right of contract is inviolate and above Congressional action—yet on the other hand, argue that the right of contract may be violated by some unknown arbitration panel.

So, the friends of plaintiffs bar argue that an unknown arbitration panel may modify contracts, but the United States Senate—the elected representatives of the people—may not modify fee contracts.

Which one is it? Can we adjust these contracts or can we not adjust contracts? Mr. President, we can't have it both ways. We can't say out of one side of our mouths that the fees and contracts can be adjusted by an arbitration panel, and then say out of the other side of our mouth that the fees and contracts are a done deal and may not be adjusted by Congressional action.

The bill as currently written says that all types of contracts can be adjusted by this sweeping federal regulatory bill. In particular, the bill says that lawyer fee contracts can be adjusted by an arbitration panel.

So, frankly, I am tired of hearing that contracts cannot be adjusted and that fees cannot be made reasonable. If we are giving the arbitration panel the ability to adjust contracts and fees, then it is perfectly consistent to establish a fee ceiling and a frame of reference for adjusting these contracts and fees.

Billionaire Lawyer Argument No. 3: ''$4,000 Is Too Generous'':

I was amazed this morning to hear those who carry the water for the trial bar arguing that $4,000/hour is too much money for their friends to earn. Yes, Mr. President, you heard me right. Some of the friends of the trial bar are now arguing that $4,000 an hour is too much money for the trial bar.

So, let me get this straight. $250 an hour is not enough money for the lawyers. But, $4,000 an hour is too much money for the lawyers.

What about something in between $250 and $4,000? Oh, say, $1,000 an hour. What about $1,000 an hour as a midpoint? Oh wait a minute, the Senate rejected that amount to.

So $250 an hour is not enough. $4,000 an hour is too much. And, $1,000, I suppose, just doesn't feel right.

If $4,000 an hour is too high, then what is $88,000 an hour?

I'll tell you what $88,000 an hour is—it's how much money we are going to allow the attorney general to pay the lawyers in Texas if we don't pass the Gorton amendment.

We must pass the Gorton amendment. It deals with every possible permutation and takes into account any variation in degrees of risk assumed by the plaintiffs' lawyers.

It provides a cap of $4,000 an hour for all the attorneys who suited up and led the fight to kill tobacco in the earliest stages of the war.

It provides a cap of $2,000 an hour for those who signed up when the war was coming to a close in the national settlement last spring and summer.

It then provides a cap of $1,000 an hour for any lawyer who ran onto the battlefield after the settlement was signed, and a cap of $500 an hour for all lawyers who will rush straight to the courthouse as soon as we pass this fee cap.

Senator GORTON has covered the waterfront here. I hope that we can pass this amendment as the last best hope for a fee cap.

Mr. FAIRCLOTH. Mr. President, I am shocked that the Senate rejected two prior attempts to limit these attorneys' fees, and I am amazed that we are here to debate whether a four thousand dollar per hour cap is enough for the trial lawyers.

Over the past few days, a number of constituents asked me how we could possibly condone paying these lawyers more than 250 dollars per hour, which was the rate in my original amendment.

Where I come from, Mr. President, 250 dollars is an incredible amount of money. That is a weekly wage for a lot of working people. These are the same working people, I might add, whose taxes we are raising to pay these lawyers' fees. This bill is an unparalleled transfer of wealth from the poor to the super-rich.

My constituents were upset about 250 dollar per hour and 1000 per hour payments to lawyers, but I explained that the Texas lawyers expect to make ninety-two thousand dollars per hour, and my constituents enthusiastically agreed that these caps were better than ninety-two thousand dollars per hour. The Texas lawyers have already been paid ninety million dollars and expect more than two-point-two billion dollars more.

In fact, the Attorney General of Texas is so intent on paying them their two-point-three billion dollars in fees that he filed a lawsuit against the Governor because the Governor tried to intervene on behalf of the taxpayers who will foot the bill. Yes, the taxpayers, because the Attorney General admitted to the New York Times on May 27 that part of the attorneys' fees will come from the Federal Government.

It is a betrayal of the American people, the taxpayers, to raise their taxes to pay lawyers four thousand dollars per hour. That's more than most families make in a month. That is outrageous. Working Americans—people scraping to pay the mortgage—being asked to pay for more luxury houses and yachts for billionaire trial lawyers. It's an abuse of the taxpayers. Yes, the taxpayers, that's what the Texas Attorney General said.

It is important to note that this is a cap, not a flat fee, so few lawyers should expect to be paid at the top end of these categories. The amendment limits the number of cases that fall within the top category to just a handful. That is a critical distinction, Mr. President, and one that makes this amendment more attractive to those of us shocked by these numbers.

However, as the Senate rejected my previous two amendments to limit fees, I have no alternative but to vote for these higher dollar numbers. These outrageous numbers are testament to the strength of the ultimate Washington special interest, the special interest most inclined to put personal interest above national interest, the trial lawyers.

Mr. President, I will vote for this amendment, but I do so only because some limitation is better than no limitation on these predatory and, I might add, unethical attorneys' fees payments.

Mr. LEVIN. Mr. President, I cannot support the Gorton amendment. This amendment would create a complicated, bureaucratic and arbitrary set of criteria for establishing payments to the plaintiffs' lawyers while leaving the fees of the tobacco companies' lawyers without restriction. The amendment would set forth unusually high hourly amounts for attorneys' fees which could lead to higher payments. The underlying legislation establishes a preferable process by setting up a three-person arbitration board to resolve disputes regarding the attorneys' fees. The board would have a representative of the plaintiff, a representative of the attorney, and a third party chosen jointly by those two arbitrators.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand, we have an order for adjournment at 12:30?

The PRESIDING OFFICER. The Senate is to adjourn at 12:30.

Mr. KENNEDY. I ask unanimous consent that we might extend that for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I thank the Chair.

Mr. President, as Senator DURBIN and Senator CONRAD have pointed out, the current amendment is not really about saving money for the States. The amendment is one more backhanded attempt to protect the tobacco industry. It is the third amendment offered on attorneys' fees. The prior two were rejected by a substantial majority. It is a transparent effort to distract attention from the enormous public health issues on which the American people want us to focus. Let's defeat this amendment and turn our attention to stopping youth smoking.

The Senate has debated this landmark youth smoking reduction bill for

a month. Each of us has had an ample opportunity to state our views. The Senate should commit to vote on final passage this week. We owe it to the children who are being entrapped into a life of addiction and premature death by the tobacco industry every day.

The opponents of this legislation have used every parliamentary tool at their disposal to extend the debate and divert attention to an unrelated issue. They want to talk about every subject but the impact of smoking on the Nation's health. However, the real issue cannot be obscured by their verbal smokescreen. It is time for us to move from talking to voting. Each day that the opponents delay final Senate passage of the bill, 3,000 more children begin to smoke and a third of these children will die prematurely from lung cancer, emphysema, heart disease, and other smoking-caused illnesses.

Each day that we delay, the price of a pack of cigarettes will continue to be affordable to the Nation's children and more and more of them will take up this deadly habit. And each day that we delay, tobacco will continue to target children with billions of dollars in advertising and promotional giveaways that promise popularity, excitement, and success for young men and women who start smoking. Each day that we delay, millions of nonsmokers will be exposed to secondhand smoke. According to the Environmental Protection Agency, secondhand smoke causes 3,000 to 5,000 lung cancer deaths each year in the United States—more than all other regulated hazardous air pollutants combined. Secondhand smoke is also responsible for as many as 60 percent of cases of asthma, bronchitis, and wheezing among young children.

Each day that we delay, tobacco will remain virtually the only product manufactured for human consumption that is not subject to federal health and safety regulations, despite the fact that it causes over 400,000 deaths a year.

Preventing this human tragedy should be the Senate's first order of business. With so much at stake for so many of our children, it is truly irresponsible for the opponents of this legislation to practice the politics of obstruction. Let the Senate vote.

The public supports this bill overwhelmingly, despite the tobacco industry's extravagantly funded campaign of misinformation.

A new poll released this morning shows that the American people want the McCain bill to pass by a margin of two to one; 62 percent support the legislation, while only 31 percent oppose it. The American people can see through the tobacco industry's smokescreen, why can't the Senate?

The same survey shows that the public knows who will be responsible if the McCain bill does not pass. By a 2½ to 1 margin, the American people say the Republicans in Congress will be most responsible if the bill dies. By a similar margin, voters say they would be more likely to vote for a candidate who supported the McCain bill, and less likely to vote for a candidate who opposed it.

This bill will do an effective job of providing that protection for our children. It will save 5 million of today's children from a lifetime of addiction and premature death. It contains a series of strong provisions that have withstood repeated attempts to weaken them:

It contains a substantial price increase to keep children from starting to smoke.

It gives the FDA strong authority to regulate tobacco like the drug it is.

It has tough restrictions on advertising, to stop tobacco companies from cynically targeting children.

It contains a strong lookback provision that requires large additional payments by tobacco companies if they fail to meet the targets in the bill for reducing youth smoking in the years ahead.

It gives no immunity from liability to the tobacco companies for the illnesses they have caused.

We can reach a reasonable accommodation on how best to protect tobacco farmers, and how best to use the revenues obtained from the tobacco industry. There is no excuse for further delay. The Senate should pass this bill this week, and send it to the House. Senators who refuse to act will pay a high price for abdicating their responsibility.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that we postpone the recess for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, in an informal discussion with the Senator from North Dakota, each of us has expressed a hope that we may be able to vote on my amendment shortly after the recess and perhaps after the official photograph of the Senate. I will simply summarize arguments that the Presiding Officer has made so eloquently on each of the amendments on this subject that has been before us and that I made earlier.

It does seem to me curious that the two opponents of the amendment made dramatically opposite statements in opposing this amendment. The Senator from North Dakota said in spite of the clear language of the amendment, that instead of a ceiling of so many thousands of dollars an hour, depending on when the litigation began that is the thrust of my amendment, that, in fact, it will be considered a floor.

One can take that position only by not reading the amendment and all the considerations that are included in it, but he was afraid that it would mean in many cases we would be paying too much.

The Senator from Illinois felt it was terrible to limit lawyers even to $4,000 an hour, because many of them had made agreements under which they would get more. And indeed, as the Presiding Officer said in response to a question from me, we already have one example of one set of attorneys already being awarded well over $2 billion for representing one State, the State of Texas, in litigation of this sort and the attorney general of Texas bitterly opposing the attempt by the Governor of Texas to get a more reasonable set of attorneys' fees.

We want to end those debates, and the adoption of this amendment will end those debates, because it will provide a ceiling, I think a highly reasonable ceiling. In fact, I had some of my colleagues tell me privately that they don't like my amendment because it is too much. They can't explain even these amounts. In the abstract, that, of course, is the case, but as against $2.3 billion, as against many of the contingent fee agreements, one can explain these limitations and they are just that; they are ceilings and not anything else.

For those who feel that the sky should be the limit, that no matter how many billions of dollars attorneys have contracted for, no matter how much they have pled with us to pass this legislation, no matter how much minute regulation they are asking us to impose on every aspect of the tobacco industry—the farmers, the manufacturers, the wholesalers, the retailers—more regulation than the Congress of the United States has ever imposed on any other legal business in history, that, nonetheless, one aspect of the contracts between States and other plaintiffs and their lawyers should be entirely free of any concern on our part whatsoever.

Mr. President, I just can't see how anyone can justify this bill, hundreds of pages of detailed regulations, and say nothing about attorneys' fees other than an arbitration in which the only people represented are the plaintiffs' lawyers and the plaintiffs who have signed the contracts in the first place. No, that is not balance; that is not fair.

As the Presiding Officer knows, I disagreed with his previous amendment because it seemed to me that there were certain circumstances under which it was too low. I think we ought to do justice to lawyers who have done an extraordinary job, who have in some cases come up with new theories and have been successful with those theories, but I think we have the right to say enough is enough. This amendment, Mr. President, says enough is enough. And in the future, when tobacco litigation will be very, very easy, a much smaller enough is going to be enough.

Probably the long-term result of this amendment would be not dissimilar in the total amount of attorneys' fees paid from the Faircloth amendment that came so close to adoption late last week. This amendment, however, would see to it the lion's share of those recoveries would go to the attorneys who actually earned them and not those who have gotten in very late.

I commend this to my colleagues, both Republicans and Democrats, as being reasonable and as being something that should be a part of any overall pattern that we pass, and that is to put us at the heart of the whole debate over tobacco. If we can regulate everyone else, we can regulate the attorneys. We do it fairly in this amendment, and I trust as soon as we come to an agreement on the time it will be voted on, that it will be adopted and we can go on to other important developments in this bill.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:38 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the President Pro Tempore.

Mr. LOTT addressed the Chair.

The PRESIDENT pro tempore. The distinguished able majority leader is recognized.

OFFICIAL PHOTOGRAPH OF THE 105TH CONGRESS

Mr. LOTT. Mr. President, for the information of all Senators, if they would go ahead and be seated if they are in the Chamber—I note that there are a number of our colleagues who are still not here—we will go into a quorum call momentarily to allow Senators to reach the Chamber and be seated.

Also, those who are here, I want to note that the camera is located in this corner over to your right. So I ask that all Senators turn their chairs toward the camera. We need to be able to see the camera. The photographer will then take eight pictures, so there will be eight flashes.

Once we get started, it should not take very long. But it would be helpful if the Senators who are in the Chamber would take their seats so that when the others arrive we will be able to go straight to the pictures.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. Mr. President, if all Senators would take their seats, we could get a more accurate count of who might be absent.

I also want to note once again, as I did earlier, the camera that will be taking the picture is over my right shoulder here in the corner. If both sides of the aisle would adjust chairs where you can see the camera, we could get a good shot. The photographer will take 8 pictures with 8 flashes. Once we get all Senators in their chairs, it shouldn't take but just a few minutes to get that done.

After the photograph is taken, we will go, I believe immediately without any intervening debate, to a vote on the Gorton amendment. Then we will go to the next Democrat amendment.

Those of you that are due to be at a bill signing ceremony about 3 o'clock should be able to make it. If all Senators would take their seats we should be ready to go momentarily.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:26 p.m., recessed until 2:31 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2705, AS MODIFIED

The PRESIDING OFFICER. The pending question is the Gorton amendment, No. 2705, as modified.

Mr. LOTT. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LOTT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mrs. BOXER (when her name was called). Present.

Mr. LOTT (when his name was called.) Present.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SPECTER) is absent because of illness.

The result was announced—yeas 49, nays 48, as follows:

YEAS—49

Abraham	Dodd	Hutchinson
Allard	Domenici	Hutchison
Ashcroft	Dorgan	Inhofe
Bond	Enzi	Kempthorne
Brownback	Faircloth	Kyl
Burns	Frist	Lieberman
Byrd	Gorton	Lugar
Campbell	Gramm	Mack
Chafee	Grams	McCain
Coats	Grassley	McConnell
Collins	Gregg	Murkowski
Coverdell	Hagel	Nickles
Craig	Helms	Roberts
Santorum	Snowe	Thurmond
Sessions	Stevens	Warner
Smith (NH)	Thomas	
Smith (OR)	Thompson	

NAYS—48

Akaka	Feinstein	Leahy
Baucus	Ford	Levin
Bennett	Glenn	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Breaux	Hatch	Murray
Bryan	Hollings	Reed
Bumpers	Inouye	Reid
Cleland	Jeffords	Robb
Cochran	Johnson	Rockefeller
Conrad	Kennedy	Roth
D'Amato	Kerrey	Sarbanes
Daschle	Kerry	Shelby
DeWine	Kohl	Torricelli
Durbin	Landrieu	Wellstone
Feingold	Lautenberg	Wyden

ANSWERED ''PRESENT''—2

Boxer	Lott

NOT VOTING—1

Specter

The amendment (No. 2705), as modified, was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPLANATION OF VOTE

Mrs. BOXER. Mr. President, I wish to inform the Senate of the reason I voted ''present'' on the Gorton amendment related to limits on attorneys' fees in tobacco cases.

I abstained on this vote because my husband's law firm is co-counsel in several lawsuits against tobacco companies filed in California state court by health and welfare trust funds.

The Ethics Committee has advised me that voting on an amendment such as this ''would not pose an actual conflict of interest'' under the Senate Code of Conduct.

However, I decided that this vote could create the appearance of a conflict of interest and therefore I abstained by voting ''present.''

EXPLANATION OF ABSENCE

Mr. DURBIN. Mr. President, I would like to take a moment to explain my absence during vote number 159 last night. I was returning to Washington from Chicago when the airplane I was on was delayed by weather problems. While the vote was going on, the plane was in the air over the Washington area as we waited for the airport to reopen so that we could land.

Had I been present, I would have voted 'nay' on the motion to table the Reed amendment to the tobacco bill. I am a cosponsor of the Reed amendment and I believe it should be part of the final tobacco legislation.

The tobacco industry has been targeting kids with its advertisements and marketing gimmicks for far too long. The tobacco bill would re-promulgate the FDA's regulations, currently on hold, that seek to restrict tobacco advertising and marketing that appeals to children.

The Reed amendment adds new teeth to the restrictions by linking each tobacco company's tax deduction for advertising expenses to its compliance

with the regulations. As long as a tobacco company obeys the law and complies with the FDA regulations, the company can continue to deduct its expenses for permissible advertising. But, under the Reed amendment, if a tobacco company violates these restrictions, the company's privilege of deducting its advertising expenses for tax purposes would be lifted for all of its advertising expenses for the year in which the violation occurred.

This amendment, as with the look-back amendment, is about accountability. If a tobacco company decides to try to skirt the FDA regulations, to keep advertising or marketing in ways that appeal to children, that company will face not just a regulatory action by the loss of its advertising deduction. With this amendment, taxpayers will no longer help foot the advertising bill for companies that continue to market to children. Tobacco companies will no longer get a tax break for advertising expenses if any of the company's advertising violates the FDA's regulations for protecting children.

It's a simple amendment with a simple point. Its message is that we are serious when we say to the tobacco companies: no more advertising to children. This amendment deserves the support of the Senate.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Arizona.

Mr. MCCAIN. Mr. President, the Senator from Kentucky has been waiting very patiently to propose his amendment. I just want to sum up what we just passed here, and I think it is very important.

We passed limits on attorneys' fees of $4,000 per hour for actions filed before 12–31–94; $2,000 per hour for actions filed between 12–31–94 and 4–1–97; $1,000 per hour for actions filed between 4–1–97 and 6–15–98; and $500 per hour for actions filed after 6–15–98.

Before the Senator from Washington leaves the floor, I would like to thank him for his amendment. I thank him for his persuasive arguments in a very close vote. Obviously, it was the effort of the Senator from Washington that tilted the vote in favor of this amendment, albeit by one vote. So I express my appreciation to the Senator from Washington.

Mr. President, I just go on to say, it does not apply to any fees paid to attorneys that are defending tobacco companies. It does not apply to any fees actually remitted and received by an attorney before 6–15–98, nor to reimbursement of actual out-of-pocket expenses approved by a court in such actions.

It applies to all actions brought on behalf of a State or political subdivision, the Castano civil actions, and all tobacco actions brought on behalf of private litigants that are settled or ''finally resolved'' after June 15, 1998.

It directs the courts to consider the following factors in determining an attorney's fee as: likelihood of success; time and labor invested; expenses incurred; novelty of the legal issues involved; skill required to prosecute the action; and results obtained.

It permits the tobacco companies to petition to reduce fees that they had already agreed to pay to plaintiffs' attorneys in the States that have already settled.

Mr. President, I think it is an important amendment. I do believe that my friend from Massachusetts would agree with me that really it is as outstanding as the agricultural issue, the farmers issue.

We can go through iterations—and there are maybe hundreds of amendments filed—but except for the agriculture issue, we have pretty well resolved the outstanding issues that are associated with this legislation. And I would like to first express optimism that we can address that issue. I still hope we can reach a compromise between the two—the LEAF Act and the so-called Lugar Act. But in addition to that, I believe that we can invoke cloture and dispense with this bill this week.

I thank my colleagues for their cooperation, and I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me say on behalf of my colleagues, that with respect to the last amendment, their vote was a reflection, I know, of grave concerns on our side of the aisle about the Senate putting its stamp of approval on a $4,000-per-hour fee.

Some may think that is a fee that they are willing to attach automatically based on a date, but I think a lot of people felt very strongly that the independence of the judiciary and its capacity to be able to analyze according to the very same standards in the Gorton amendment—the Gorton amendment borrowed from our bill each of the categories of evaluation that would be applied by the courts. So in effect, they are really mandating an outcome which may or may not fit for one case or another case.

I know I heard colleague after colleague suggest to me that, as a Senator, they did not want to approve of a $4,000-an-hour fee. So that is the distinction here. Some were willing to put their approval on it; some were not. But the fact is, the amendment carried by one vote, and that is the will of the Senate.

We now find ourselves—I want to express my agreement with the Senator from Arizona—we have traveled a 3-week journey, and we have waded through the most difficult issues. The closeness of the votes on some of them clearly indicates the difficulty of trying to come to agreement, but nevertheless, the Senate has spoken on those.

We have resolved the most significant issues—the liability issue, the question of look-back amendments. The bill was strengthened in those regards. We resolved the marriage penalty. Again, for some, the bill was strengthened by providing a certain component of a tax cut and a drug program. So those are the fundamental components of this legislation—together with an FDA regulatory process that is essential to the capacity to deal with tobacco.

Therefore, that brings us to the point now where the Senator from Kentucky is about to tackle the really last tough issue with respect to this legislation. Speaking on behalf of the Senators on our side of the aisle, there are more than 40 Senators that I know of prepared to vote for this legislation now. More than 40 Senators are prepared to vote to end debate now, and more than 40 Senators are prepared to vote for the legislation in order that we can move it to the House and ultimately to a conference.

So the real test before the Senate this week is the test of whether or not the members of the Republican Party are going to join those 40 to create the critical mass necessary to pass tobacco legislation. If we pass it, it will be because we come together as a Senate. If we fail to pass it, it will be because the Republicans decided they did not want to pass it. Given the number of Democrats in our caucus—45—to have more than 40 prepared to vote now on a bill is significant.

So that is where we find ourselves. I hope that in the next hours we will resolve the farm issue satisfactorily. To the degree there are any amendments left on the Democrat side, we are prepared to enter very short time agreements if indeed there will be those amendments. So we have the ability on this side of the aisle to move rapidly; not to tie up the Senate in knots, but to pass competent tobacco legislation. And it is my fervent hope that in the interests of the last 3½ or 3 weeks-plus, and the several years of labor that has been engaged in by a number of different people in the Senate before this bill ever came to the Commerce Committee, that we would be able to do that. I think the Senator from Arizona shares that hope.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I say very briefly that what the Senator from Arizona and the Senator from Massachusetts have said is exactly on point. We really now have one major outstanding issue, and that is the question of how tobacco farmers are treated in this legislation. Hopefully, that could be resolved in a way that would be acceptable to both sides.

We understand discussions are under way, and we hope that they could be concluded. But really that is the one major issue left. Then we get on to a whole series of amendments that many Senators would like to offer. I can say for myself I have a number of amendments pending that I am willing to

withhold in the interest of advancing this legislation.

I have had lots of colleagues come to me this morning and say they, too, would be willing to withhold their amendments if that would advance actually reaching conclusion on this bill. We are in the fourth week. We have dealt with contentious issue after contentious issue. Now is the time to reach conclusion. I urge our colleagues on both sides, if they can, withhold amendments that they have pending so that after the farmer issue is resolved we can move to final passage.

I thank the Chair, and I thank my colleagues who have been so patient.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 2707 TO AMENDMENT NO. 2437

Mr. FORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD] proposes an amendment numbered 2707 to amendment No. 2437.

Mr. FORD. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, insert the following:

SEC. . INAPPLICABILITY OF TITLE XV.

The provisions of Title XV shall have no force and effect.

SEC. . ASSISTANCE FOR PRODUCERS EXPERIENCING LOSSES OF FARM INCOME.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, from amounts made available under section 451(d), the Secretary of Agriculture shall use up to $250,000,000 for each of fiscal years 1999 through 2004 to establish a program to indemnify eligible producers that have experienced, or are experiencing, catastrophic losses in farm income during any of the 1997 through 2004 crop years, as determined by the Secretary.

(b) GROSS INCOME AND PAYMENT LIMITATIONS.—In carrying out this section, the Secretary shall, to the maximum extent practicable, use gross income and payment limitations established for the Disaster Reserve Assistance Program under section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a).

(c) EFFECT ON OTHER PAYMENTS.—None of the payments made under this section shall limit or alter in any manner the payments authorized under section 1021 of this Act.

Mr. FORD. Mr. President, we will discuss this amendment, I am sure, at great length. We have here a system for producers who are experiencing farm income loss which we feel is only fair and will help farmers all across the country.

Members have heard two of our distinguished colleagues and the chairman of the Commerce Committee saying that they hope we can move forward with passage of this bill this week. I do, too.

I also want to say I have a lot to say about this amendment I have just offered because it goes to the heart of this bill for me and for my constituents and it deals directly, it deals most directly, with how my constituents are treated. Very briefly, if the quota is removed, you make the tobacco companies another $1 billion a year. If you remove the tobacco quota, the value of the land in Kentucky to my farmers is reduced up to $7 billion. A farmer could go to bed tonight having a mortgage that was completely covered by the land he owned or had mortgaged, and we take the tobacco quota away from him and he wakes up the next morning and he doesn't have enough value for that land to cover his mortgage, and his mortgage is called.

So I think it is important that we begin to look at the ramifications of losing the tobacco program as we know it. We have tried to put into this amendment the transition from where we are today as it relates to the tobacco program to what might come in the future if we reduce underage smoking. I am very much for the reduction of underage smoking. Let's put that up front. I have no problem with that. But in the fact of reducing teen smoking or underage smoking, it is pretty tough to put people out of business.

So we will be discussing this amendment for some time. My colleague and friend from Virginia, Senator ROBB—and there will be other Senators on our side—will be supporting this amendment, and I think there will be some Senators on the other side of the aisle who may want to speak, who will be supporting this amendment.

What I do under this amendment is to strike title XV, and that is doing away with the tobacco program and using 69 percent of all the moneys in this bill for health programs, for research, and for child care. It is very, very important not only to the farmers of my State but those health groups. We have 24 health groups in this country that have endorsed the LEAF program. The smoke-free kids—there is a letter on your desk that shows that they support the LEAF Act. ENACT supports the LEAF Act. All farmer organizations, practically, that have some longevity to them support the LEAF Act.

Let me summarize the main reasons why title XV must not remain in this bill. Now, title XV is designed, whether on purpose or not, to save tobacco companies $1 billion a year. So you get down and the vote ultimately will be: Are you going to vote for the farmers? Are you going to vote for the cigarette manufacturers? Are you going to take $1 billion off the backs of the tobacco farmers and give that saving to the cigarette manufacturers? Make no mistake, title XV forces Senators to choose between the tobacco companies and the tobacco farmers. Unless we want to save tobacco companies $1 billion per year at the expense of the tobacco farmer, the motion to strike must be supported.

Now, title X, not title XV, is supported overwhelmingly by a majority of tobacco farm organizations. I have a list of all those and probably will insert those in the RECORD or read them later. Title XV is not supported by the public health community. The public health community supports the LEAF Act. They support retaining the program. They support keeping control over the growth of tobacco and the prices high. So, it is heartening that the health groups and the tobacco groups have gotten together and signed the core principles. Those core principles are to reduce underage smoking, to keep the tobacco program. All these principles are out there.

If this motion passes, the public health programs and health research programs in this bill, if my amendment passes, we save 69 percent of all the moneys that would go into the health research and development. Title XV eats up 47 percent of the funds in the bill over the first 3 years. Title XV, known as the Lugar-McConnell amendment, already has an amendment at the desk, and that amendment says that all the money in this bill, up to 47 percent, will go to that program in the first 3 years. So 40 percent to the States, 47 percent to this program; that is 87 percent of all the money. Where are you going to get the marriage penalty? How are you going to do the drug amendment that Senator COVERDELL put up?

So, we will talk about how title X was developed. I think my colleague from Virginia wishes to make some remarks.

PRIVILEGE OF THE FLOOR

Mr. FORD. Mr. President, I ask unanimous consent that Rob Mangas and Dave Regan be admitted to the floor during debate and vote of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I rise in strong support of the motion to strike the amendment offered by the Senator from Indiana, title XV. I have a very high regard for Senator LUGAR. He and I have worked closely together on the Foreign Relations Committee, and we have fought to open foreign markets and to promote free trade. I share his tenacious belief in the free market. Harnessing the drive that motivates individuals to succeed yields the benefits of a free market. But government has a role in checking the excesses that can flow from an unfettered free market.

The market won't educate children. The market won't protect workers. The market won't check monopolies. And the market won't safeguard our natural resources. Left completely unchecked, the free market will always seek the lowest cost, even at the expense of other social goals. So our charge, as policymakers in a capitalist economy, is to allow individuals and entrepreneurs and businesses the freest rein possible while safeguarding society's other concerns.

Defining those concerns and implementing those safeguards without destroying the benefits we achieve from the free market is one of the most difficult tasks we face. The Lugar-McConnell provision eliminates the Federal program that limits the amount of tobacco that can be produced in the United States.

Arguments advanced for killing the supply-limiting program center on the desire to see a free market in tobacco. Since the argument is to create a free market, we ought to examine just what benefits we would gain from such a system. Economists estimate that going to a system allowing unlimited production of tobacco would likely increase the amount of tobacco grown in the United States by 50 percent.

This increased supply would cause the price of tobacco to decrease by approximately 30 percent. Without a tobacco program, tobacco could be grown anywhere in the United States, so it is likely that tobacco would be grown in many more States than it is grown in today. That production would migrate from where it exists in many areas today with hilly terrain and small farms to larger, flatter farms.

So the benefits to be gained from going to a free market would be cheaper tobacco, more tobacco production, dislocated communities, and unregulated production. The small farmer would not be able to produce enough volume at the lower price to make the farming operation economical. Without some certainty as to price, it is unlikely that any financial institution would extend the credit so necessary for small farming operations to survive. Therefore, if the tobacco program were to be wiped away, the only true beneficiaries would be large corporate farms and tobacco companies, because tobacco would then become cheaper.

The public health community has increasingly focused on what would happen if we eliminated a program to restrict the amount of tobacco production in the United States and has concluded that the benefits are simply not worth the costs. They note that it would be the height of irony if—in the same bill where we increased the regulation of the manufacture, marketing, advertising and retailing of tobacco—we deregulated the production of tobacco, which is why the public health community, including the Campaign for Tobacco-Free Kids, the American Heart Association, the American Cancer Society, the American Public Health Association, and the American College of Preventive Medicine all support retaining a supply-limiting program.

In fact, these public health groups, and a number of tobacco grower associations, have been meeting for a number of years, which has admittedly intensified since June 20 of last year, to see whether they could find common ground.

I am proud to say that these discussions have been under the auspices of the University of Virginia and involved a number of growers from Virginia.

From these discussions, the groups were able to agree on a set of core principles. The first of these core principles is that a tobacco production control program, which limits supply and which sets minimum purchase prices, is in the best interests of the public health community and the tobacco producer community.

The public health groups support controls on production because they cannot support what would happen without them: Uncontrolled tobacco production, plummeting tobacco prices, devastated farm families and farming communities, and enormous benefits for the tobacco companies.

Despite the opposition of both the grower community and the public health community, there are those who continue to insist that the market in tobacco must be unfettered and uncontrolled.

The argument for eliminating the supply-limiting program is a philosophical one, focusing on the natural benefits of a free market regardless of the consequences. But the aim of a free market system is to insure that the consumer efficiently gets the lowest-cost product.

We want consumers to be able to get the highest quality, lowest-cost products, like cotton shirts and cereal, and anything else you can think of.

The argument for a free market in cotton, wheat, corn, or any other commodity, is to lower cost to benefit consumers and increase exports. This tobacco legislation, however, is seeking exactly the opposite goal. The very heart of this legislation is to have the Government interfere in the free market by raising prices to reduce consumption.

It is highly ironic that some of those calling for a free market for tobacco voted a couple of weeks ago to have the Government add the cost of $1.50 to the price of a pack of cigarettes. That is not a free market, Mr. President. In fact, the entire aim of the comprehensive tobacco legislation is to increase the cost to consumers, not decrease them.

Eliminating a tobacco program to achieve a free market system would destroy existing communities and the livelihood of existing farmers without realizing the goal of a free market, which is to increase efficiency and lower costs to the consumer.

There is no other agricultural product that faces this unique situation, where the Government's policy is to increase the costs to the consumer, not decrease them.

Tobacco is simply unlike any other commodity covered by the Freedom to Farm Act. The Freedom to Farm Act did not authorize the Government to run advertisements telling people not to use the farmers' products.

The Freedom to Farm Act did not tax cotton shirts, or cereal, or ethanol to raise the revenues that went to make the payments to farmers. The Freedom to Farm Act did not limit the Government's ability to open foreign markets.

In short, there are few parallels that can be drawn between the commodities covered by the Freedom to Farm and tobacco, other than that the commodities are all grown by decent, hard-working, dedicated people whose lives are profoundly affected by what we do.

Tobacco is also different in another crucial respect, which bears directly on the question of whether eliminating the tobacco program would in fact produce a free market, which is the stated aim of the proponents of the Lugar-McConnell provision.

A market that is dominated by a limited number of buyers, by definition, is not a free market. And that is the situation with tobacco. There are four buyers in the marketplace who purchase 98 percent of the tobacco produced by our Nation's 124,000 tobacco farmers.

The economists, of course, have a name for such a controlled market. It is called an ''oligopsony.'' According to the Encyclopedia of Economics, ''oligopsony exists when a few buyers of a commodity or service deal with a large number of sellers.'' According to this text, this ''situation can lead to tacit collusion among buyers to depress their buying prices generally at the expense of the sellers who supply them.'' One of the examples they give for an oligopsony is ''markets for leaf tobacco.''

Webster's New Collegiate Dictionary defines oligopsony as ''a market situation in which each of a few buyers exerts a disproportionate influence on the market.''

So that is the market that these farmers would face if they had to deal individually with each of the four major buyers. This would not be a free market. This would be a market where the buyers would dictate the price to the sellers and reap the rewards.

In fact, the USDA estimates that by ''terminating quotas and phasing out price supports, cigarette manufacturers and leaf exporters are projected to have windfall gains of about $800 million annually . . . The cigarette manufacturers would continue to receive this windfall over time once the price support system is phased out. Over 25 years, this windfall could amount to $20 billion or more.''

The money the companies save would be money that formerly went to tobacco farmers. Eliminating the program would result in a transfer of money from farm families to cigarette manufacturers of about $800 million annually.

In the face of all this, why do some still want to eliminate a production controlling program?

One of the arguments I have heard is that tobacco is bad and so the Government shouldn't be involved in it.

Mr. President, this whole bill, however, is about Government involvement in tobacco. It makes little sense to

have the Government involved in controlling every aspect of cigarette making and selling except the production of the key ingredient. The Government is not promoting tobacco, it is restricting it.

A supply-limiting program limits supply. That does not promote tobacco. The fact that farm families benefit from that restriction, in my view, is not a reason to abolish the program, because without the program, it is not the public's health that would benefit, it is the companies'.

There are those who advocate reducing the number of tobacco farmers in this country. Under the LEAF Act, we provide a voluntary buyout, which we believe will encourage but not force tobacco farmers to move to other pursuits. We believe that is a sounder and much more humane approach than the one advocated by proponents of the Lugar-McConnell bill which simply pulls the rug out from under farm families after 3 years and forces them to scramble for survival.

In fact, the comprehensive legislation we are considering is likely to be incentive enough for many farmers to make a transition out of tobacco farming. As consumption falls over time, as counteradvertising mounts, and as economic development funds start creating infrastructure in tobacco communities, there will be migration out of the tobacco fields.

Tobacco farming is hard work, and while it is more lucrative than growing other crops, it does not make the average tobacco farmer rich. In fact, the average farm income of a tobacco farmer is less than $22,000 a year. If we can create opportunities in tobacco growing communities for children to pursue other paths, that is what we need to do. But that cannot be done in 3 years, and I believe it would be cruel to try.

There are those who support the Lugar-McConnell provision because they foresee the death of the tobacco program. Programs, however, do not die of natural causes. They have to be killed. And those who vote for the Lugar-McConnell provision are voting to kill the program. So do not be fooled by those who vote for the Lugar-McConnell provision saying they support the program while voting to kill it.

Finally, I strongly oppose the Lugar-McConnell provision because I believe it holds out false hope. Under the provision, farmer compensation would be paid out over 3 years. Under the LEAF Act, farmer payments would be paid out over 10 years. In order to make the payout over 3 years, we would have to dedicate over 40 percent of the proceeds from the legislation to farmers during those first 3 years. That 40 percent is more than the share to the States, more than the share to medical research, and more than the share to public health. And when you consider that we have already diverted funds away from these accounts, with the addition of the Coverdell amendment and the Gramm amendment, the addition of a mandatory 3-year buyout under the Lugar-McConnell provision would collapse this bill's budget.

I urge my colleagues to look at the numbers. In the first year after this bill is approved, the National Tobacco Trust Fund would receive total revenues of $14.4 billion. Yet, to make the payout over 3 years, as the Lugar-McConnell provision mandates, we would have to spend over $17.2 billion in the first year. And that is without spending a single dime on medical research or public health programs.

Are those who support the Lugar-McConnell provision willing to take away money from medical research and public health programs to finance a 3-year buyout? Are they willing to eliminate the so-called marriage penalty tax cut or the antidrug programs offered by Senator COVERDELL to pay for this plan? Because voting to retain the Lugar-McConnell provision will make it impossible to fund each of these other programs contained in this bill.

The LEAF Act, in contrast, recognizes the funding constraints of the underlying legislation and would not take funds away from the other programs contained in this bill. This is not to say that I wouldn't very much like to be able to pay the growers over 3 years, and, in fact, a number of us tried to figure a way to get compensation to growers in less than 10 years. Unfortunately, there were simply too many other competing demands on the funds.

In conclusion, Mr. President, I oppose in the strongest terms elimination of controls on the production of tobacco. It would destroy small family farms, decrease tobacco prices, increase tobacco production, and transfer wealth from growers to the companies, all without any discernible benefit to the people.

For these reasons, Mr. President, I urge my colleagues to support the motion made by the Senator from Kentucky, Senator FORD, to strike the Lugar-McConnell amendment and to support the LEAF Act.

Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that my name be added as a cosponsor to the Ford amendment striking title XV.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, let me harken how we began June a year ago and explain my objection to the procedure.

With respect to a year ago, what really occurred was that the tobacco companies were spending a goodly fortune defending class actions and individual causes of action due to tobacco smoking causing certain injury and death.

These are very responsible companies. They have very responsible boards of directors. Right to the point, they had the urge to try to regain credibility for their overall operation. Philip Morris, for example, sells not only tobacco cigarettes but, of course, it is into Kraft foods and many other allied endeavors. R.J. Reynolds down in North Carolina is in the Ritz cracker business, plus other different businesses. They were getting pilloried, so to speak, in the courtrooms of America. They were successful. They weren't losing. They had won every case. There was not a jury verdict against a tobacco company. But looking at the bottom line, as good businessmen and operators, they were spending around $500 million to $600 million a year in legal fees.

This crowd up here in Washington is worried about trial lawyers. If you really want to get taken to the cleaners, get one of these corporate lawyers. I suggest to the distinguished Chair that if he ever gets into trouble, for gosh sakes, don't get General Motors's lawyer or IBM's lawyer. You had better get a real lawyer who is used to getting in the courtrooms.

This crowd sort of works with themselves on billable hours. That is the ailment that has taken over. The billable hours, the defenses, and all were costing them about $500 million to $600 million. More than anything else, it was depressing their stock.

The lawyers themselves had not won any cases. They were moving with the States' attorneys general. So, with the States' attorneys general, they got together. They had been meeting on opposite sides of the table in courtrooms all over America. As I understand it, they got together on an agreed settlement. The agreed settlement would, No. 1, increase taxes.

The reason I emphasize this, Mr. President, is if you go home and turn on your television or listen to the radio, the ''scoundrel Congress'' up here is the one that is trying to increase taxes on poor America, middle America, and whatever America. There is no suggestion that this idea came from the tobacco companies, the ones who are paying for the advertising, and in a luxurious amount. But this is the reality. The idea of increasing taxes originated with the tobacco companies themselves, in the so-called Global Tobacco Settlement.

I worked with the defense appropriations bill. And that amounts to $250 billion. When I heard on TV and then later read in the newspaper $368 billion, I still thought it was a mistake—$368 billion. I said, ''Where in the world would they get all of that money?'' Well, if you reasoned out 25 years and so much per year as it goes up, yes, you can get to that amount, or get to $1.10, as the present Commerce Committee bill now envisions. You get around $500 billion.

But the real initiative of raising taxes was by the companies themselves—not the squealing, crying, moaning, and groaning on national TV

about, ''This terrible Congress is going awry.'' Not so. They came up and said, ''All right, we will put this money up, and for you States and States' attorneys general, what we will do is, we will pay in a good 40 percent of it to the States to take care of the Medicaid costs, the health costs, and everything, as an incidence, a result, of tobacco smoking and ailments and death that was caused by tobacco smoking.'' So that would take care of the States. The States' attorneys general got together and agreed on that.

Another part of the agreement, of course, was to try to control tobacco smoking and discourage young people from smoking. The children, instead of getting Joe Camel, were getting the adverse ads, the warnings, not just on the pack of cigarettes but on national TV—how injurious to health it could be. We found out in the early 1970s that these negative-type ads worked. We tried it before. I don't know whether the price increase would work. They say in downtown London, where they have a pack of cigarettes at $4.30 and up, it has not worked with respect to deterring children from starting to smoke.

But in any event, it was good intent, a good purpose, and a good provision that they would do it, and do it in all honesty and sincerity. In fact, to back up their pledge, they hit on the unique ''look-back provision.'' I had never heard of that before in all the years I have been up here. But they had a look-back provision whereby they said, ''We will measure it each year with the diminution of tobacco smoking with respect to children,'' and if they don't comply with a certain percentage decrease each year, they will pay more multimillion-dollar, almost billion dollars, or maybe over a billion dollars, in penalties, penalizing themselves.

There was not any question about the sincerity of the purpose. They had it all worked out. The White House agreed to it. The health community was in conference from time to time on this particular agreement. And it was announced. The first thing that hit this Senator when it was announced was not only the $368 billion, an enormous amount, but what is in there for the man who is making a living— namely, the tobacco farmer. When the Pilgrims landed here in the earliest of days, they found the Indians, who were smoking tobacco. Are we now going to really have prohibition? No. We tried that once before with alcoholic beverages, and it corrupted the entire society and crime went through the roof. So we learned the hard lesson and repealed that 18th amendment.

Certainly with respect to tobacco smoking and everything else of that kind, we realize there are certain realistic considerations: One, that we are not going to have an embargo or prohibit the production itself; two, that when it comes to advertising, there is that First Amendment right and we are not going to be able to force-feed—the companies have to agree with respect to the limitation on advertising or the agreement to negatively advertise against smoking, those kinds of things, and then the allocation of the money to have to come about with respect to the matter of the States, and not only that, but with respect to the health community. Necessarily, we all want to increase the research out at the National Institutes of Health on the injurious effect of tobacco smoking.

I have had hearings over 30-some years now with the doctors out there at the Cancer Institute, not only on how cancer is caused but how a pack-a-day smoker can rejuvenate the health of his lungs after 5 years and really recover from it if he stops.

I might add, Mr. President, that more people have stopped smoking than are smoking today. I repeat: There are more people who have stopped smoking than are smoking today. So when they get to the victims and the matter of habit forming and addictiveness and everything else, that is a jury question that the jurors of America have never gone along with. They have never gone along with it until this recent verdict down here of a little six-man jury in Florida, and we don't know what will happen with that on appeal. But that is a pretty solid record. We have Senators running up and down knocking over the chairs and desks saying, ''Why give this industry immunity?''

Well, Mr. President, the jurors of America, far more savvy with respect to the actual facts before them, have given the tobacco companies immunity—not the distinguished Presiding Officer, not this Senator from South Carolina, but over the many, many years, the jurors, the people of America, have given them immunity because for 33 years we have had an advertisement that they are injurious to your health.

Now, I looked in that global tobacco settlement, and I said wait a minute—something is wrong here. We don't have any provision in there for a large segment of the economy of South Carolina. We have over 2,000 tobacco farms in South Carolina involving some 40,000 jobs with the warehousemen, the equipment dealers and everything else of that kind, with a $1 billion impact on the communities, veritable tobacco towns. If you want to start Tobacco Road, which we have seen in the Depression, pass this title XV that the distinguished Senator from Kentucky, Mr. FORD, wants to strike. I commend his leadership on this score because he has been in the forefront looking out for an important segment of our society and important communities in my State and his and in the several surrounding States.

How they could get together on an agreement and not even consider tobacco farmers is beyond me. But we were told immediately, oh, no, no, no, no, don't worry about that; we will take care of the farmers. I wondered in October when the distinguished Senator from Indiana put in the Lugar, what he called transition bill, which is a bankruptcy act—an elimination bill is what it was because in just a 3-year period bam, bam, bam, the farmers would be gone. Nothing for the warehousemen, nothing for the fertilizer dealer, nothing for the community with respect to the bank making the loan or the automobile loan, nothing for various other parts of the society itself, the families to adjust and take care of themselves.

Under the leadership of Senator FORD, the LEAF Act was developed when we saw this particular Indiana initiative. I remember recently seeing where the Attorney General of Indiana, who, incidentally, was in on the original agreement, said, ''We had no idea of taking care of the farmer.''

Well, that is not what they told us. Everybody said, on both sides of the aisle, in a bipartisan fashion, ''Of course, we have got to take care of the farmer,'' and the White House, along with the Congress itself, said, ''Yes, we have got to take care of the farmer.''

So the LEAF Act was developed in a studied fashion with respect not only to the holder of the particular quota but the actual farmer who farmed the crop. It took care of the warehousemen. It took care of the fertilizer and equipment dealer. It took care of the communities. And we put it out at the very beginning of the year as an amendment, the LEAF Act.

Of course, when the distinguished Senator from Arizona, the chairman of our Commerce Committee, came to me, he said, ''Now, the majority leader has suggested that our committee put out the tobacco agreement as a commerce bill. And I would like it to be bipartisan.'' I told Senator MCCAIN I would like it to be bipartisan also, but, of course, we had to take care of the farmer. Well, that is the first time I really began to doubt about this ''take care of the farmer'' because the distinguished chairman of the committee turned to me and he said, ''No, we can't put that on.'' I was wondering why. That was the first time I had ever heard that nobody wanted to take care of the farmer.

When he told me that, I said, ''Well, it's going to be very partisan, because I am not going to stand by and let this go through committee, without bringing up this important segment of the economy.'' Yes, we are trying to stop little children from smoking. Yes, we are trying to take care of those who have been injured from smoking. Yes, we are trying to get research. And, yes, we are trying to control the advertising. But everybody, from the word go in June of last year, said, ''We are going to take care of the farmer,'' and the LEAF Act did. The Senator from Arizona said no, he didn't think he could do that. Several days later, he came back and said, ''Yes, you are right, we ought to make it bipartisan, and we will take care of the farmer.''

As a result, we spent a marathon session with the staffs of all the Senators involved on both sides of the aisle in the Commerce Committee, the White House, Dr. Koop, Dr. Kessler, and the various entities against children smoking, checking back and forth. There is no question that the distinguished Senator from Arizona did an outstanding job to get a bill that we could all agree upon by a vote of 19 to 1. We did agree on the tobacco bill, and it included the LEAF Act.

As we were ready to bring this bill to the floor, we were given notice that what we ought to do in order to get this bill passed was not to spend too much time with respect to amendments; let's see what amendments are going to carry immediate and recognizable weight and see if we can't agree to put those on now, cut the time involved, because the leader wants to handle this in a couple of days, at the most 3 days, and we have to get together with the White House. We don't want to put in a bill without knowing that it will be approved.

So we did. We had five sessions with the White House—Senator MCCAIN and Senator MACK on that side of the aisle and Senator KERREY and myself on our side of the aisle. We kept meeting with them, and I kept checking with them to guarantee the LEAF Act was intact. I kept asking everybody—not to worry, they told me.

We had those five sessions, the last one being in my own office here in the Nation's Capital. At 4 o'clock it broke up, and about an hour or so later, about 6 o'clock, I heard a rumor about the Lugar bill. I said, ''Come on, somebody is way off. They might want to put it on, but it can't be on our Commerce bill.''

They said, ''No; that's what the leader is going to do.''

I said, ''How does that occur?''

The bill itself, which is title XV, had one hearing, according to the best check I have made on it. It had one hearing last fall and has not had any hearings since that time, has not had any markup, no committee report, no report out of the committee. It was just an individual Senator's bill—we all will agree, one of the most respected Senators and one of the most powerful in that he is the chairman of our Agriculture Committee.

I knew if there was any real intent or force behind it or interest, that he long since would have had that bill reported out of his committee and we could have studied it, and if there had been any differences with the LEAF Act, they could have been reconciled.

But, Mr. President, it was the most dastardly procedure I have ever seen when the majority leader stood up and said, ''Oh, no, I'm putting the Lugar bill on your committee bill.''

I said, ''You can't do that without the committee.''

He said, ''Well, the committee is on here; we have a majority.''

I said, ''You can't have a majority without the distinguished Senator from Arizona.''

The Senator from Arizona and I had traveled together to Florence, SC. We notified every quota holder, every equipment dealer, and we had around 2,500 or 3,000 who met in the hockey arena there. We both made our little pitches. The Congressmen made their talks. We answered questions for over an hour's time, and we met with the press for over a half-hour and reaffirmed again and again our support for the LEAF Act. We explained it, why it was there, how it was worded, the difference between burley tobacco and flue-cured tobacco and why we worded different things. Because of this effort, and the Senator's sincerity, I just couldn't believe anyone could make representations then changing the tobacco bill, putting the bill just summarily on another bill.

I am not sure that the committee met, but you have to take the majority leader's word. He said they met and that they voted, 11 Senators; it was under the rules. That is the procedure that I object to. If for no other reason, this ought to be voted down. We ought not to sanction this kind of conduct on the working arrangements. Everybody is talking about the confrontational nature and how the club is breaking up and how we are just all politics. We have to trust each other, Mr. President, and we can't endanger that trust by having an understanding throughout 10 days of a heated markup, through five separate sessions with the White House, through a gathering of our tobacco farmers in our backyard, and being assured again and again in explaining the bill was it, and then to put this up and fix the vote on the other side of the aisle. That is what I understand has occurred.

That is my first and foremost reason for opposing the Lugar amendment. My foremost reason was to take care of the farmers. My foremost reason now is to take care of the Senate. If that is the way we are going to conduct business, so be it. We can all play that game, with rule and ruin and trickery and everything else of that kind.

Let me show you exactly where we are now and take stock with respect to this Lugar amendment.

What we have done with this kind of handling of the bill is, we have added on the payments to the States of 40 percent. Of course, that is $5.76 billion. We have added on the marriage penalty of $3.1 billion and the Coverdell drug provision—that is $2 billion—for a total of $10.86 billion. The cost of the Lugar amendment, title XV—to be stricken, I hope—is $6.4 billion. That is a sum total of $17.26 billion the first year, whereas a total estimation for the first year in the bill we have before us—and I raise it for the Senators to see—this S. 1415 allocates $14.4 billion to the National Tobacco Trust Fund, but we have already spent $17.26 billion.

Unless you strike—I wish this was a session of the Budget Committee, because we could have a budget point of order. This is totally without the budget, but it has gotten to be a habit where it is getting into all committees now. If you go along with title XV, you have then expended $2.86 billion—$2,860,000,000—more than what the bill will bring in. Yet, the tobacco companies are talking about how they are being devastated. They haven't seen anything yet. If they don't adopt this amendment and go forward with ideas on the House side, they will learn just exactly what has happened.

But, of course, the tobacco companies said, ''Let the Senator from South Carolina talk along, because here under Senator LUGAR's proposal there's a real winner for us companies,'' because in 1999 Senator LUGAR's plan cuts the price support for tobacco by 25 percent, from $1.68 a pound to $1.22 a pound. ''This equates to a savings for us tobacco companies''—now I am posturing myself so you will understand it. If I am a tobacco company, I love this title XV, because the first year I really make $987 million, just out a billion bucks. So I am a billion bucks to the good with this Lugar amendment.

And then in 2000, this proposal cuts the price support by another 10 percent, from $1.22 a pound to $1.10 a pound. ''This equates to a savings to us tobacco companies now. We are in business. And we know how to get amendments passed—sneak them on at the last minute. Don't ever debate them. Don't ever have a committee report it out one way or the other. Just forget about the bill last year, but get the majority leader to sneak the bill on''—$1.276 billion.

And then in the year 2001—a 3-year program—what happens in that third year? This proposal cuts the price support by another 10 percent, from $1.10 to 99 cents a pound. This equates to a savings by the company of another $1,543,500,000.

So the total savings—total savings, Mr. President—by the tobacco companies on this title XV, if it is not stricken over the next 3 years, is $3,804,500,000. I did not realize it was that much—$3,804,500,000.

Of course, that leaves nothing for health care, not a thing for public health, nothing for health research or anything else of that kind.

To come in with this at the last minute and take all this money is like when they used to organize the insurance companies when I was Governor down there in South Carolina. And they had one company—Capital Life was looking for a new slogan, and they finally came up with the winning slogan, after considering all their friends' suggestions. They said, ''Capital Life will surely pay if the small print on the back doesn't take it away.''

I know that is exactly what has happened. They said that we are going to have all this money to do the various programs—health care, research, and what-have-you, moneys for the attorneys general, and everything else like that—and the tobacco companies, with a last minute strike, come up with

$3,804,500,000, and the farmers are left high and dry.

If you want to see the Tobacco Road that we had during the days of the Depression, with the dust and the filth and the desperation and the despair, keep the Lugar amendment in here, and not Senator FORD's LEAF amendment, and we are goners—we are goners. There is no question in my mind.

Now, there has been some confusion. The tobacco companies, like to put the spin that we in the Congress are raising taxes when it was their idea just a year ago—no Congressman was at the table; no Senator was at the table—it was the tobacco companies at the table that came out with this scheme, and now they are putting the twist on that we are raising taxes. They are the ones who raised the tax.

Now they are trying to put on here the twist that the farmers are going to be taken care of, and at the last minute put on the Lugar amendment, fix the vote, and leave them high and dry. I do not like it. And you can tell by the tone of my voice it should not be liked.

I have been around. I have worked with everybody throughout the years here and have had good bipartisan support. We handled the Telecommunications Act, got 95 votes for it. I handled Gramm–Rudman-Hollings on this side of the aisle on 14 votes up and down, and got a majority of the Democrats, over the objection of the leader at that time and the chairman of the Budget Committee. But we got the majority of Democrats to support that particular budget initiative.

I have had success over the years working in a bipartisan fashion. This is in the most treacherous fashion I can possibly think of, to take a matter that had not completed the hearings—yet to be reported, yet to have a vote on, no committee report to read or study, no conversation on the contrary—all conversation, all representations: ''Don't worry, the LEAF Act is fine.'' We go down, even before the farmers, and tell them that, and everything else like that, and then go along at the last minute with this ambush.

This is ambushing my farmers, Mr. President. And we will have more to say about it. But I think that the RECORD ought to show exactly what has occurred here. We have a studied bill. We have the tobacco farmers taken care of with respect through the payments that are made now on the average yield for those in flue-cured tobacco, for the quota holders, because the existing system is eliminated. What we have is a system of permits to do away with the quotas. And, incidentally, they wanted to argue—and you are going to hear this ad infinitum—that with all the other farm programs gone, why should we support this? This is the one crop that has had its production limited. And it is a very sensitive crop, and it was here when we landed over 200-some years ago.

So we have been handling it over the years in a clean, responsible, productive fashion. And we have created the communities, we have created the fertilizer dealers, we have created the warehouses and the warehousing, as well as the farmers.

So in order to be sure that we do not just turn them over to welfare and say that in 2 years they can come and get retraining, we must not abandon them. Incidentally, Mr. President, let me talk about that retraining just one moment. We had down in my backyard the Oneida knitting mills that made nothing but little T-shirts. Anybody could make them, but at one time they had 487 there. The age average was 47 years. They were a very productive company, complying, if you please, with all the requirements—clean air, clean water, Social Security, Medicare, Medicaid, minimum wage, safe working place, safe machinery, plant closing notice, parental leave, on and on and on —that Republicans and Democrats said before you open up you have to comply with. That goes into the cost of production. So the plant moved to Mexico, for 58 cents an hour and none of those requirements.

So Washington is so keen on how to get things done, they say: ''Retrain, global economy, global competition. We're moving into the age of technology, retrain, skills.''

Well, don't tell this Senator about it. I am the author of the Advanced Technology Program. I am the author of the manufacturing extension centers known as Hollings Centers. I fought to keep those programs going. I instituted technical colleges and special schools back 38 years ago in my own home State. So I am appreciative of technology and its needs.

But assume the 487 are immediately retrained the Washington way tomorrow morning, and you have 487 computer operators. Are you going to hire the 47-year-old computer operator or the 21-year-old computer operator? It is quite obvious, Mr. President, that their community of Andrews will be high and dry and out of luck. And that has happened all over the U.S. since NAFTA was passed. And we have lost a fell sum of 24,000 textile and apparel jobs in my State alone. So that next sum, while we have gotten in the BMWs, the Fujis, the Hoffmann-La Roches, and the Hondas—and we are proud of it—the net loss is this, that we have lost 12,400 jobs since NAFTA was passed.

Now we are coming up with a very ''wise,'' as they would call it, ''assault,'' I call it, upon the tobacco farmer to put him out of business in a studied fashion over 3 years: take all the money and run with it, devastate the health program and the research program, and the several States are not going to get their money and everything else. And yet it is on there and it hasn't been discussed.

I see now the distinguished Senator from Indiana is with us and I am delighted to hear from him. I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. LUGAR. Mr. President, I ask unanimous consent that Mary Dietrich, a detailee to the Agriculture Committee from the General Accounting Office, be granted privilege of the floor during the pendency of the tobacco farmer amendment.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I rise to support a program that will end tobacco subsidies, give fair compensation to farmers now rather than many years from now, make an extra $10 billion available for public health and other worthy purposes, and provide some degree of certainty for tobacco farmers, for agricultural America, with regard to our policies that would pertain with greater fairness to all farmers.

Let me simply cite, at the outset my discussion of these issues, what I perceive to be the significant differences between the Lugar amendment, which I favor and which the distinguished senior Senator from Kentucky has chosen through his amendment now to strike from the bill, and, in fact, the amendment provided by the distinguished Senator from Kentucky, the distinguished Senator from South Carolina and others who have supported their point of view.

The basic differences come down to, first of all, should the U.S. Government support tobacco? That is a very fundamental issue. The debate, which now is in its third week on this subject, suggests that the American people are not prepared for their Federal Government to support a crop, a set of products, which they find injurious to health. Indeed, much of our debate has been about how we can protect the health of children, how we can pay for the difficulties in health that citizens of all ages have experienced.

If it were not for these health issues which are serious for tens of millions of Americans and prospectively for many more, this debate would not be so intense; clearly, the remedy suggested would not be so severe. It really begs understanding of this issue as to how the same government that may legislate severely with regard to tobacco, could at the same time decide to support the price of tobacco, to support the industry, the warehousing, the infrastructure, as the current tobacco program does and has done for almost six decades.

That is the first issue. Do we want the U.S. Government to support tobacco? And my judgment is we should not support tobacco. The legislation that I have suggested does not give prioritization to tobacco. Rather, it says that tobacco, so long as it is a legal crop, can be produced in America on the same terms as corn, wheat, soybeans, same freedom to farm that all other farmers have, same tests of the market, same tests of efficiency, of production.

That, it seems to me, is the only way this can be rationalized, with those in

agricultural America asking, Why special treatment for tobacco? Why specific situations that support that price, to support those farmers? There is no good answer to that. I understand the constituency problems of the distinguished Senators who have many tobacco farmers, and I am certainly mindful of approximately 10,000 farms in Indiana, albeit smaller ones than in Kentucky and in North Carolina and some other States, but nevertheless tobacco farmers who are impacted significantly by this debate. I have visited with them extensively. They support my amendment for good reason.

Why would they support my amendment if I am prepared to say the Federal Government ought not to support tobacco? They do so because the Lugar amendment provides payment to those who hold tobacco quota, the certificates distributed principally in the 1930s, that allow people in this country to produce tobacco. We are prepared in my amendment to purchase those rights in a 3-year period of time.

My amendment is attractive because the money comes to the tobacco farmers, but even more importantly, to the holders of quota certificates who are frequently elderly people, people no longer involved in production. They lease and rent the certificates to others. They really have no desire to continue in the tobacco business. On a one-time basis they can receive capital for pensions, for scholarships, money in the communities that are impacted—substantial money—and they can receive it quickly in a 3-year period of time. That is why tobacco growers in most States have indicated through their organizations that they support the Lugar approach.

The Senate as a whole has to ask which of the two approaches, the Ford-Hollings or the Lugar approach, costs more. Clearly, the Ford-Hollings costs at least $10 billion more than the Lugar approach. It has a great deal more in it in terms of community development for States and localities that have tobacco farmers over the years. It is simply a very different approach which retains the tobacco program and some of the apparatus that has been associated with it over the years.

I make that point because in the course of these remarks the statement has been made that somehow or other the Lugar approach will subtract money from health causes or other important objectives of the legislation, but in fact it will subtract $10 billion less than the Ford-Hollings amendment. There is no getting around that.

I simply say, finally, that to argue—I believe almost disingenuously—that health groups would prefer a situation where $10 billion less is left in the general fund of this bill for health or anything else is to, I suppose, deny common sense. Many health groups perhaps were misled by the thought that in the event we went to freedom-to-farm tobacco, the price of tobacco would go down. The price of tobacco probably will go down.

We have had testimony before the Senate Agriculture Committee and we have had extensive hearings, as a matter of fact, on tobacco issues from which the Lugar amendment came. Essentially, the testimony was that the price of tobacco might fall by as much as 25 percent, perhaps more, depending upon how competitive American tobacco is in the world markets, and competitive abilities have been in decline. Most Americans are not aware that 40 percent of the tobacco now used in the production of American cigarettes comes from abroad, not from here. It comes from abroad because of questions of price and quality, normal economic questions. That deterioration of the American tobacco demand has been continuing at a fairly rapid pace.

So, Mr. President, let me just state it fairly simply. If a pack of cigarettes now costs $2 before this bill, it will cost a great deal more after this bill. Approximately 6 cents of that $2 might be attributed to the tobacco in the package. If in fact that goes down by a quarter, maybe a cent or a cent and a half is at stake. To suggest that somehow this brings either unconscionable profits to tobacco companies or enormous new demands by young people taking up smoking is, I think, to defy both economics and logic in the midst of our raising the price of a pack of cigarettes by at least $1 or $2, or whatever the bill finally comes out to be with the overhead and all the economic costs associated.

As a matter of fact, Mr. President, health groups for a long time have centered in on the fundamental issue I began with: Should the Federal Government be supporting tobacco at all? What kind of a signal does that give when we give official sponsorship and economic support to the price and warehousing and infrastructure of tobacco? I don't think the signal is very good. As a matter of fact, it is so ambiguous that it borders upon hypocrisy. At some stage, we will have to make a choice as to which of these two general thrusts in life we are for—health or support of tobacco.

Mr. President, let me just say, finally, that we are going to have to come to grips with the issue that is posed by the distinguished Senator from Kentucky in his striking of my amendment. I appreciate that. The parliamentary situation is that the Ford-Hollings approach and the Lugar approach are both in the bill. I suggested that one or the other of us might, at some point in this debate, move to strike the other, and the Senator from Kentucky, my good friend, has decided he would move to strike my situation.

So that is the issue before us. Members have to make a choice. I simply say to the distinguished Senator from Kentucky, who is on the floor, that it would not be my purpose to delay the choice. My feeling is, essentially, by this time, if Members are not aware of the issues, they never will be. My feeling is that we ought to get on with it and resolve it. I stated up front that this will not be a long speech and, if there are not many more, we might come to a conclusion.

Let me say that in defense of what we have been doing in the Agriculture Committee, in my own point of view, I rise to affirmatively support the Lugar approach, which has been moved by the Senator from Kentucky to be stricken. I believe that it is important to adopt my approach, to keep it alive by voting ''no'' on the motion to strike, because we will end tobacco subsidies, we will end the tobacco program.

Mr. President, to be quite frank, this is the major point that I make, the reason I am in this debate. I believe that agricultural policy ought to be based upon supply and demand. I believe that all farmers producing crops in this country ought to be treated equally. We had a revolution in agriculture in 1996 in which we said freedom to farm means that a farmer may decide to plant whatever he or she wants to plant on their land, have full control of that, without the Federal Government dictating how many pounds, how many acres, how many bushels. The only signals would be market signals, and they are now world market signals. They are important to America because agriculture is the thing we do best, and our surplus and balance of trade is the greatest in that area.

But freedom to farm also means taking risks. It means there is no warehouse for wheat, or for corn, or for soybeans, no props, no passing on from one generation to the next the right to grow corn or wheat. We really have to get over that, Mr. President. I understand why it came about in the 1930s because essentially people felt that if you let farmers have freedom, they would inevitably plant too much, they would do too much, they would be too ingenious, and, as a result, supplies would be horrendous, prices would fall, agricultural communities would fail. The New Deal policy was one of killing little pigs, knocking out rows of corn, to dramatically change the supply and to bring the price up. Whatever may have been the rationalization in those days, it was convenient to carry this on for about six more decades.

Many people in America would still like the idea of being guaranteed a price for a bushel of whatever they are producing. They would like to be guaranteed that their neighbor could not do more. But at the same time, most farmers in agricultural America resent the Federal Government's control. They resent the fly-overs, the measurement of fields, the endless sign-ups—and rightly so. So we came to a revolution of sorts, Mr. President, and we went to freedom to farm, except in the area of tobacco, for example, where persons in that industry said that, ''Notwithstanding everything else going on in agricultural America, we want to retain the same program we have had.''

Now, Mr. President, my own view is that the program is deteriorating. I am not one who would predict the month, the year, or even the decade where it will finally collapse. I just say that tobacco farmers coming to my office from my State, and also from Kentucky, North Carolina, Georgia, and from South Carolina, I have said during the past year, although we had quota and the right to produce tobacco and to sell it and to have a price, we were cut back 10 percent in what we could do. Furthermore, they believe they are going to be cut back 15 percent this coming year regardless of what we do on this bill. That is a big cut. That is a deteriorating program. No wonder they were attracted by my thought that they might receive $8 per pound for quota, so many of them could get out of the business altogether. Now, a good number said they want to stay in the business, but they realize they are going to have to do so on the basis of supply and demand. That is the way the world works—without all the apparatus, the warehousemen, and so forth. That is fair enough.

My bill provides that you continue right on producing, if you want to, and take money for quota, if you had it. If you are renting, fair enough, you have a transition of 3 years with some payments in support, the same as do corn farmers, wheat farmers, rice and cotton farmers, in the freedom to farm bill. It is a transition period. I think that is important, Mr. President. But at least we bring to an end an era that, I think, is coming to an end anyway.

Now, what if we don't pass the tobacco bill? What if, in fact, the idea of the Senator from Kentucky, or mine—either one—is not a part of the final picture? That is a real problem for tobacco farmers. It is a problem that should have been contemplated by the attorneys general when they were working this situation out last year. But, as a matter of fact, at that time they left the whole grower issue aside. That is why we had hearings in the Agriculture Committee and why Senator FORD and others have been working in the Commerce Committee—to say, what do we do about this very important group of people; namely, growers, holders of quota, holders of equity property out there in at least 10 States in substantial numbers?

Now, Mr. President, my guess is that one or the other of our amendments may prevail, but I am not confident of that. It could very well be that the Senate will decide they don't want either one. It could be that if we argue this long enough, people will begin to raise questions. What is an acre of tobacco worth? In some cases, 10 times what an acre of corn might be worth on this same farm, as is the case in my home State of Indiana. One reason is because it is a very special privilege. And as Americans take a look at this, they won't like what they have to see.

In the Agriculture Committee for years, I witnessed—at least during the 21-plus years that I have been a member of the committee—people protecting each other. There were a lot of special deals. People got on the committee often to make certain they protected their deal and their farmers in their State. I understand that. Most did a good job of it. Now there are fewer special deals. There really is a very short list of situations that need to be tidied up, and this is one of them.

So I come, Mr. President, to the floor to suggest that this is a good time, while there is a general settlement going on, money on the table, lots of money. The question has been raised, Does the grower money subtract from health? No. The Senate doesn't want to subtract. They simply provided any sequence of years we wanted. But when Members come to the floor and they talk about $300 billion, $400 billion, $500 billion, $600 billion, the $18 billion I am talking about in the Lugar bill is a very small part of that money. If people are worried about whether it comes upfront, my advice would be to provide money upfront. If you want to provide more money for health at the same time, do it. This bill is as fluid as any piece of legislation I have ever seen. Nothing is engraved in stone as to which dollar comes where.

All I am saying is if you are serious about tobacco farmers and their plight, you give them their money upfront. You do it promptly, and those that want to leave, leave. Those that want to stay, stay, and react like farmers in almost any other sphere, including sometime the same farmers are producing corn as well as tobacco on the same farm.

Mr. President, that is the first big issue: The end of the tobacco program, the end of official U.S. Government sponsorship of all of this.

Let me say, secondly, that my plan costs less. One could argue that in the course of all of this we have bandied about these hundreds of billions of dollars that perhaps we have lost track altogether as to how money is going to be spent. But I hope not. If there are any Members who are interested in cost, they will vote for an $18 billion bill, the Lugar bill, as opposed to a $28 billion Ford bill.

In addition, I am advised that the bill of the Senator from Kentucky now includes special relief for problems in North Dakota, or perhaps other States that have been afflicted by unusual weather problems. I am hopeful that in the course of the debate all of that will be explained. But it is another unusual addition to an already belabored situation.

All I am saying is that if you are interested in cost, you will be for the Lugar alternative. It is less. Obviously, Mr. President, the money gets to the tobacco farmers sooner. If you are a tobacco farmer, the Lugar bill gets money to you more rapidly. Time is money—money upfront, money that could be used for capital for other farming, for pension, for scholarships, for other things that people have a quota for, or who are farmers where that quota can be utilized, and I think that is an important issue.

Finally, let's be very clear on the health issues. I go back over that again.

The fact is that the health groups of the United States—major proponents of this legislation—have analyzed these bills, and some have come out one way and some another. But I would just say simply that the money for health is finally going to be the determination of this Senate in this bill in whatever amounts that we want to provide for.

Some have accused the President of the United States for asking for a number of things in the health area. He cited some in the State of the Union Address, and on this side of the aisle many of us have said we ought not to be funding the State of the Union Address in the tobacco bill. But having said that, we are funding a good number of proposals that the President or the administration and its various Secretaries have made at some point. We do so because the problems of health attributed to tobacco have badly afflicted tens of millions of Americans. These problems have created enormous public costs in the Medicare Program, Medicaid, and various other ways, and compounded black lung disease and other difficult health problems in our country.

Mr. President, the logic has been that if we are going to have a tobacco bill, there ought to be some compensation to States. In fact, some States have not waited for compensation. Lawsuits have been proposed and some have been successful. Thus, the attorneys general came together and said perhaps we can have a comprehensive settlement. Many in the Congress found that to be intriguing. It would have been helpful if the President of the United States, last fall, had offered a bill as opposed to general guidelines. It might have been helpful, as a matter of fact, if there had been a comprehensive bill here that had embraced at least what I know have been seemingly contradictory strains on occasion. I certainly do not fault the managers of the bill. They have had a difficult time.

But we have come now to a point where the one item, one significant item mentioned by everybody that was omitted—namely the growers, the farmers—has to be addressed. I believe it should be addressed. I don't believe it should be omitted. It is not specifically a health issue, and one can argue it competes with health issues. But inequity to farmers in these 10 States, and to tobacco farmers in particular, my intent and that of the Senators from Kentucky and South Carolina has been to take that very seriously. Although we may differ upon the amounts of money and the continuation of the tobacco program and various particulars in terms of expenditures in the States for community development and other aspects, we do not

differ on very serious equity problems for farmers and for holders of quota.

So we must address that issue. I am simply hopeful that this issue will not be seen as a subtraction or addition to health per se. It is a narrow issue of compensation to farmers and to their communities.

I hope the Senate will accept the fact that there is equity in doing that. The so-called narrow version of the tobacco legislation—that principle—might not be accepted.

So we are expanding today what the attorneys general and the State governments in their wisdom tried to negotiate last year. We are doing it so deliberately. Testimony before the Senate Agriculture Committee said essentially the attorneys general, health groups, and everyone else anticipated the Senate at some point would act in behalf of growers, as we are doing, and, in fact, explicitly or implicitly endorsed that activity.

Mr. President, I will rest my case for the time simply on the basis that I believe I have outlined why the Lugar approach is the best. Members will have a choice, either shortly or in the long term, depending upon how much debate Members wish to hear or endure on this subject. But I will not stymie progress of the bill. This is an issue that needs to be resolved. Members will have to make an overall judgment, I believe, on the bill on the basis of all factors, this one included.

I hope at least in the course of this debate that we eliminate those issues that Members want to grasp, want to hear, and will be helpful in reaching a conclusion.

I thank the Chair.

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Mr. President, I rise in support of Senator FORD's amendment to strike title XV of the Lugar-McConnell tobacco farming provision and to express my support for the Long-term Economic Assistance for Farmers Act, or LEAF Act.

First, I would like to thank my distinguished colleagues, the chairman, Senator MCCAIN, and ranking member, Senator HOLLINGS, for their superb leadership of this bill, the principal aim of which is the vitally important objective of curbing youth smoking. Also, I would like to extend my sincerest appreciation to Senator FORD for his time and energy in crafting a bill that effectively looks out for the interests of the tobacco farmers and their communities' interests, which were all ignored until he spoke out so forcefully and effectively. Senator FORD's integrity and honesty and courage will be sorely missed when he leaves this Chamber, and I, like many of my Senate colleagues, will deeply miss the opportunity to seek his counsel on the important issues about which the Senator has tremendous knowledge and passion. Certainly there has been no finer, more consistent friend of family tobacco farmers than the distinguished senior Senator from Kentucky. I ask my colleagues to remember this fact as we debate on this matter.

In my personal review of the tobacco settlement legislation, I have had two main objectives—to prevent our children from smoking and to ensure that tobacco farmers and their communities are taken care of.

Now, I am sure that all of my colleagues are committed to this first objective, but I want to make sure that the second objective of promoting and protecting tobacco farmers is actually provided for in this bill. I fully support the LEAF Act and, indeed, was an original cosponsor, and I want to state my reasons for favoring the LEAF approach over the proposal offered by the distinguished Senator from Indiana, Mr. Lugar.

First, I do not support Senator Lugar's proposal, because I think it provides for quick termination of the Federal tobacco program. I have a concern about who the actual beneficiaries of this action will be. Is it tobacco farmers, is it the taxpayer, or is it the tobacco industry?

According to an Agriculture Department analysis, if the tobacco price support program ends, as it would under the Lugar plan, the price of flue-cured tobacco would drop from $1.72 per pound to $1.15 while burley tobacco would drop from $1.89 to $1.15. Accordingly, if these estimates prove to be accurate, this would save cigarette companies approximately $1 billion every year; that is, $1 billion annually, Mr. President.

Considering the fact that the tobacco program is a no-net-cost program to taxpayers and tobacco farmers will be receiving a 35 percent reduction in farm income, I think it is pretty obvious who will be benefiting under Senator Lugar's proposal—the tobacco industry, period. Then where are we? What have we accomplished? What good will be our efforts to eliminate underage smoking by raising the price of cigarettes if the tobacco companies receive a $1 billion windfall every year at the expense of tobacco farmers? This is a crucial question that I believe must be answered before the Senate contemplates letting the Lugar proposal remain in the legislation.

Second, while it provides more in buyout payments over a shorter timeframe, the Lugar proposal provides for substantially less in assistance for farm families and community assistance than the LEAF bill. Senator Lugar's proposal eliminates nearly $10 billion in funds for this type of transitional aid. It eliminates funding earmarked to provide higher education opportunities for tobacco farmers and their families, for transition payments to tobacco industry workers who lose jobs, as well as billions of dollars in funds to provide grants to communities for agricultural and economic development in tobacco-producing counties.

I can understand the appeal that a quick buyout for tobacco quota might have for a tobacco farmer, but I am extremely concerned that the buyout proposal included in the Lugar bill is actually nonattainable. The funding level contemplated in Senator Lugar's bill is $18 billion over 3 years. At this level, it would require Congress to provide $6 billion a year for this one purpose, which is three times—three times—the amount available under this bill during this period.

So what happens if this money is not fully delivered? I will tell you, Mr. President, what I think could happen. We will have left the tobacco farmer and their communities with an unfulfilled promise. In my home State of Georgia, farmers, including those who grow tobacco, have experienced extremely hard times over the last few years and are anxious to hear any good news. Then they hear about something called a buyout with large payments over 3 years, and understandably some get excited. But in order to deliver this amount of funds in this timeframe, we would have to cut the amount of funds available for public health programs and research by almost 75 percent.

Now, I ask you, Mr. President, is this likely? Can we legitimately expect that we are going to eliminate 75 percent of the funding for counteradvertising, child care, NIH research, and cancer clinical trials? Can we honestly believe that these buyout funds will be available? In this Senator's opinion, the answer is clearly no. Let us not make false promises to tobacco farmers and their communities. Let us be honest. I implore my colleagues to carefully review the impact of each of these proposals as well as our ability to achieve them.

I urge you to oppose the proposal offered by Senator LUGAR and support the LEAF Act.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I thank my friend from Georgia for his eloquent remarks and hope that our colleagues were listening and they understand well what drives us who are more familiar maybe with the tobacco farmer, the small farmer.

The distinguished Senator from Indiana laid out how he arrived at where he is as it relates to his position on the tobacco farmer. It is ideology with him more than it is fact for the farmer. He just does not believe that Government ought to help people, and so therefore he thinks everybody ought to be out there scratching on their own. And maybe that is the correct way. But I have always thought that government is here to serve people, and if it does not serve people, then we do not need government.

I guess the Senator from Indiana understands that what he is about to do is just put people out of business. Under the Freedom to Farm Act, we are paying for millions of acres—millions of acres—and under the tobacco program there are less than a million total.

Under the Freedom to Farm Act, the purpose there was to increase production. What Senator LUGAR will do, if his amendment is agreed to, will be to put people out of business.

I have sat on a good many front porches, Mr. President; I have been in many kitchens having a cup of coffee with the farmer, his wife, and family; I have been in seven States talking to farmers—as we would say, to the people who put the tobacco on the stick. I think I understand their hopes and their dreams and their aspirations, and all have been based on history and what they expect the future to bring.

I have a statement here from the National Commission on Small Farms. The National Commission on Small Farms said:

> The tobacco program for more than 50 years has cushioned small farmers, African American farmers, new and beginning farmers, by providing them a degree of economic certainty. It's not the tobacco crop for which there is no alternative but the tobacco program itself.

There is a strange thing in the Lugar amendment that was put on after the committee had met and sent the bill to the floor. The Lugar amendment does away with the program. That means the tobacco farmer can grow all the tobacco he wants to grow from year 1, but the Lugar amendment keeps the price support in for 3 years.

Now, think about that. Here I am, a farmer growing 10,000 pounds of tobacco. They do away with the program. I can grow all the tobacco I want, as we would say at home, fencerow to fencerow. They keep the tobacco support program in place for 3 years, and so I grow twice the amount of tobacco, get the price support, and nobody wants my tobacco, so it goes to the so-called pool or into surplus. You do that for 3 years. At the end of 3 years, it is all gone. The pool is lying there with hundreds of millions of pounds of tobacco. Then what happens? The general fund will pick up that tab. Oh, there is a provision in here that says we will pay so much to try to offset that, but it doesn't work.

And you know something that didn't happen as a result of the Freedom to Farm Act that we hear Senator LUGAR was a strong supporter of. In my State, if we lose the tobacco program, it will reduce the value of the farmland up to $7 billion.

If you take the program away from the farmers, you have four companies that control 98 percent of tobacco, and the farmers don't have a thing to fight with, other than the program. What do you think the price of tobacco is going to do? It is going to decline rapidly, and it will make a minimum, under this bill—well, beginning the first year—a minimum average to the tobacco manufacturers of $1 billion a year off the backs of a few farmers. All we are talking about is 124,000.

So the vote comes down to: Are you going to vote to support the farmer, or are you going to support Senator LUGAR's bill that gives $1 billion a year to the tobacco manufacturers?

(Mr. HAGEL assumed the Chair.)

Mr. FORD. Mr. President, it is pretty tough when you have gone to the bank and borrowed money based on the value of your property, your farm, and overnight—overnight—the value of your property is reduced several hundred dollars per acre because you have lost your tobacco program that is of value.

You go to bed tonight with a loan from the bank and your property will cover that loan, and in the morning, you have no program; the price of your property has been reduced and your mortgage is called. This is what I call a taking, Mr. President. We hear a lot about takings around here, about taking property, but you are taking the value of the land of this small farmer.

As we say down in West Kentucky where I come from, ''Something about that ain't right.''

What do we do? We hear a lot about the buyout and money upfront and the older people who would like to sell out. Under the LEAF Act, that occurs. Anyone who wants to buy out at $8 a pound, the tenant, the lessee can sell. They can offer their crop for a buyout, and it will be done. It also says that one quota holder can sell to another quota holder. But it also says that if you want to continue under the present program, you can't.

All agricultural economies—and I am sure a lot of folks here understands it—agribusiness says that it takes 10 to 15 years, and leans toward the 15 years, for a community to transform from one economic aspect to the other.

We see under Senator LUGAR's amendment—which was never voted on by the committee while the hearings were going on or when we had the regular markup; it was done here on the Senate floor by checking the majority on the Commerce Committee and the majority leader putting it in. I thought I had helped the chairman, Senator HOLLINGS, and others get this bill out of the Commerce, Science and Transportation Committee and on to the Senate floor.

If you wonder how much money the Lugar amendment will take, they have submitted an amendment which is at the desk which will take 47 percent of all the money. If that amendment to this bill, which is at the desk and has not been called up yet, is adopted, I believe it is 47 percent, maybe 48 percent of all the money will go to this one project. If 40 percent of the money goes to the States, that is 88 percent of all the money. What we find is that those health programs that we want to fund have become discretionary. They are not part of the budget process; they are not part of the estimated amount coming in under this bill. They will be discretionary, and they will be subject to appropriations.

When you live with these people, having been one of them, having been a farmer, and you see them every day, it seems a little bit ironic that we are telling them what is good for them, because this year they voted 97 and 98 percent to keep the program. Yet, we are saying to them, ''You don't know what you are talking about; you don't know what you voted for; we're going to change it; we're going to do away with that program that 98 percent of the farmers said they want to keep.''

We say to them, ''You don't know, we know better than you do,'' and that is what I said earlier. One of the reasons this place isn't liked is because we get 98 percent of a group of people who say we want to keep this, and we say, ''No, we know better than you do, so we're going to take it away from you.''

Oh, you can go out there and get all kinds of polls. You can get the fellow who grows 600,000 pounds of tobacco a year, and he sure would like to have 4.8 million. They say under the Lugar bill you can keep growing. Sure, but at what price?

My Agriculture Department estimates that the 65,000 farm families in Kentucky will be reduced to less than 10 percent. Only the big farmers can contract with the manufacturers who will be getting $1 billion more a year. Do you want to vote for the farmer, or do you want to vote for the tobacco manufacturers? It comes down to that.

Just think, you will be reducing farm values in my State by up to $7 billion. I have heard a lot from the other side of the aisle and some on this side about property rights. I have talked to my home builders and others who worry about takings. Under this one amendment, if this one amendment is adopted, up to $7 billion in farm value will be lost. That is almost one-third of the farm value in my State. Approximately $20 billion is the assessed value of the farm property in Kentucky. So we are reducing the value of that land and the ability of that farmer to secure a loan.

It doesn't make any difference how much money you give him. Our average is about 3,000 pounds, and you want to pay it over 3 years. That is $24,000. Then, you are going to pay tax on it. Boy, that is really going to be great. Only the large farmers are the ones who have the voice. The small farmer down there working depends on others. But Hamilton said in these Halls, meaning the House and the Senate, ''The people's voice shall be heard by their immediate representative.'' I am that immediate representative. And I am trying to bring the voice of the small farmer to the attention of my colleagues here in the Senate.

Is this emotional for me? Of course it is. In my last few months here in the Senate, I ought to be over there taking care of constituents, packing up my papers, getting them to the university, getting ready to go home and spend some time with my family. But, no; the worst political question of my career, the toughest one I have ever had, is now in the last 6 months of my service in the U.S. Senate.

You sit on the front porch with these farmers. You sit in the kitchen and

drink coffee with them and their families. From back in June of 1997, last year, June 20, the farmers have been on a roller coaster ever since.

Let me try to describe a little better where I come from with my LEAF Act. Tobacco farmers tried to get in on the negotiations between the Attorney General, the tobacco companies, and public health groups. They were not let in the room. They were not even let in the room. I tried to find out what was going on. It was private. It was quiet. It was closed. But the White House was there. The health groups were there. The attorneys general were there. The tobacco companies were there. But the ones who are going to get hurt the most were not there. Now we are trying to hurt them even more.

The June 20 settlement did not include one dime for the tobacco farmer. But there is $750 million in there for NASCAR and rodeos. And I didn't hear anybody say, ''Take that out.'' No. ''Take it away from the farmer. Don't take it away from NASCAR. Don't take it away from rodeos. Let them advertise at rodeos. Let them advertise at NASCAR.''

I am for the Winston 500. I do not have any problem with that. But I have not heard a word in here, or from the other side, that they gave too much to NASCAR, that they gave too much to rodeos. But, boy, you sure are taking away from the farmer down there who has labored all his life and has produced a superior product.

Alben Barkley, on this floor in 1939, put in the tobacco program. It took him 3 years—1936 through 1939. Alben Barkley was a pretty good legislator. He was a mighty fine Vice President. I think he understood his people as well as anybody. And it hasn't changed. I wish I had the ability that Alben Barkley had to speak and to convince people that what I am trying to do is right.

But sitting on those front porches, sitting in the kitchens and talking to the farm families, I told them to get to work and come up with something that they felt would be acceptable. And to work they went. They developed a comprehensive plan not just for individual tobacco farms but for their communities as well. We have not thought about Russellville or Horse Cave or Glasgow or Springfield or Carrollton. They are small farm communities that depend on tobacco. And their banks depend on tobacco. Their businesses depend on tobacco. Fifty percent of their income comes from tobacco.

The average, in my State, is 25 percent is farm income. There are loans because the value of the property is there. The banker understands as long as the program is there, it gives them financial stability.

And so last October, after months and weeks of work, we introduced the Long-Term Economic Assistance for Farmers Act, what we call the LEAF Act. And, you know, even the night before I introduced that—and we all sat around, made one change—we all shook hands and got up and left, that this is what we are going to support. And it was cosponsored by nine tobacco State Senators—myself, Senator HELMS, Senator FAIRCLOTH, Senator MCCONNELL, Senator HOLLINGS, Senator THURMOND, Senator FRIST, Senator CLELAND, and Senator COVERDELL. All of us agreed that this was in the best interest of the tobacco farmers and the communities and the welfare of our States.

Since that time, we have worked hard to broaden our consensus, including changes sought by Senators ROBB and WARNER of Virginia and their tobacco growers. We made those changes. We accepted a broader consensus. This modified version of the LEAF Act is now included in the bill before the Senate in title X. Title XV, on the other hand, was inserted into the bill at the last minute after we got to the floor. It was never debated in the Commerce Committee. It was never debated during the markup. And all of a sudden here it comes—after we had an agreement. And the chairman went and explained the bill to farmers and what was in it.

It provides buyout payments for tobacco farmers who want to leave the program. And they keep using, against this bill, that, ''You take our money and you can keep on growing.'' Well, if you keep the program and you sell out, that reduces—you no longer can grow, you don't want to grow. It may be the widow who has the quota. It may be the elderly couple who can no longer perform. But remember this: 69 percent of all the farmers in Kentucky, 69 percent of all the quota holders in Kentucky, have another job. This is a husband, wife, and family operation; 3,000 pounds, 3,100 pounds. Instead of hiring help, they do it themselves. And that money is theirs. They buy a major appliance. They paint the house. They get a new truck, pay on the mortgage, help send the kids to school.

What are we saying to those families now? ''In 36 months you're gone.'' Three thousand pounds is the average. That is $24,000; $8,000 a year. And you are going to pay tax on it. Hasn't anybody said whether there is going to be capital gains or regular taxes? If it is capital gains, it is 20 percent. So you take $1,600 out of that right off the top. I have not heard whether it is going to be capital gains or regular taxes. Maybe some people who understand the tax program better than I do can come up here and say how great it is going to be, and they will not have to pay any.

There are buyout payments for tobacco farmers who want to leave the program. But under the Lugar amendment, the program is gone. And for 3 years you still pay them so much per pound, and they can grow all they want to. So it costs the taxpayers lots and lots of money, and nothing will go to the farmer, it will go to the pool. And then after the 3 years, there is nothing. And who owns it? Who is going to pay for it? I think I know, and I think the Senator from Indiana knows.

It reforms and maintains a tobacco-supplied management program. We have a core principle statement by about 24 health groups and the tobacco groups that they support—whatever—to reduce youth smoking. But they also support keeping the program. It maintains a tobacco-supplied management program. Without a tobacco-supplied management program, the 124,000 tobacco farm families in this country—which their average tobacco growing in various States varies, the amounts—have absolutely no bargaining power to deal with the four largest tobacco corporations.

We are getting to a point where everybody is getting down to just a small group controlling everything. Four tobacco manufacturers control 98 percent of the tobacco grown in this country. The Senator from Indiana says about 40 percent of the tobacco in cigarettes now are foreign. I think that is a little high. Of course, if you are for something it is less, and if you are against something it is higher. I find somewhere in the middle might be about right. We do have GATT and GATT limits the amount of tobacco that can be imported into this country. I know that was about 150,000 metric tons and the tobacco companies have first choice.

So when you are going up against the small group of companies that control the 98 percent of everything, you don't have much bargaining power unless you have a program. So we say as you reduce the quota based on 1995, 1996 and 1997, that we will take the difference in that as we transition out into the future. Most agricultural economists say that it takes 10 to 15 years, and closer to 15 years, to transition into a new economic stream.

So as we look here at the bill itself we are under what the bill says will go to agriculture. What the Senator from Indiana has to do with his amendment, if passed and accepted, he has to correct the bill to say he will get almost 48 percent of all money for the next 4 years, where we will only get 16. At the end of 10, we only get 4. Talk about saving money—it costs $10 billion more. The bill is for 25 years. My amendment is for 25 years. If you want to shorten it some, that is all right. If you are willing to talk, I am willing to talk, too, but I am not willing to give up what the farmers have earned.

The Campaign for Tobacco-Free Kids—they have been very active in this—supports a continuation of the tobacco program. They said the following:

> Legitimate concerns have been raised that in the absence of some sort of a program, tobacco production may, in fact, increase; that tobacco will be grown in other States that presently do not produce tobacco and the tobacco companies and the tobacco leaf dealer will gain control over the production and move to contract production, keeping tobacco farmers and their communities at risk.

The Senator from Indiana knows that. He knows that. But no, he wants to say here is the money, you get it upfront, you pay your taxes on it, you get

it over 3 years and I will only get 48 percent of all money for the next 3 years. I am not sure he can get that. When you have the marriage penalty in here, you have Senator COVERDELL and his drugs, vouchers and the veterans —we have done a lot of work here. To do everything but take care of the farmer and to try to stop underage smoking does not make sense. What is going to stop underage smoking in this act?

I think you lose control of the production of tobacco under the Lugar amendment. You have no way of controlling it except by price. When prices go down and tobacco companies make $1 billion more a year, you will vote for the farmer; you will vote for the manufacturer. I hope you will vote for that hard-working family, hard-working, God-fearing family.

Under the LEAF Act, it requires that tobacco companies pay all the administrative costs associated with the tobacco program, assuring that no general taxpayer funds will be used for the tobacco program. Right now, the only cost to the Federal Government under the tobacco program is the administration of the program and the poor old tobacco farmer out there pays a deficit budget fee. I doubt if anybody here has ever heard of a deficit budget fee paid by a farmer who grows a legitimate crop. Last season they paid in over $30 million, about $32–34 million.

The tobacco farmer pays a deficit reduction fee before he gets his check from the warehouse. Think about that now. You have assessed him out there about everything you can assess him for and he has paid everything but the administrative fee, and now we are willing to take care of that. Somehow or another that poor tobacco farmer down there has been beat on and beat on and beat on. Somebody has got to stand up for him against the big manufacturers.

Whether Senator LUGAR knows it or not, he is playing into the hands of the tobacco manufacturers by saving them $1 billion a year. When you take the controls off, they are then in control of how much tobacco they want and what they will pay for it. If we don't deal with this, if we want to get around GATT, I am sure that will be the next one—they want to increase the amount of imports from 150,000 metric tons to whatever so they can bring foreign tobacco in here that has no control over pesticides or anything else, no environmental control and bring those on in, so it will be 100 percent. You are going to get it coming up from Mexico, you are going to get it coming down from Canada. I understand Marlboro Lights in Mexico are around 90 cents. We have tens of thousands of cartons of cigarettes being made every month on Indian reservations. This is playing into their hands —they don't want to pay State taxes. All these things are happening, but there is no control under Senator LUGAR's amendment of the growth of tobacco.

The LEAF Act, or title X of the bill provides economic development funding to tobacco-growing States which must deal with the impact of settlement legislation. We understand that if this bill ever becomes law, and the way it is going now and what the House says and Speaker GINGRICH says, we are just flipping our lips here because it isn't going anywhere when it gets there. We are spinning our wheels. There hasn't been anything added to this piece of legislation to stop underage smoking—maybe $1.10. But you get a $185 pair of Nike shoes and some kind of jacket with all the designs on it and all that, and $3 or $4 for a pack of cigarettes, I don't think it bothers anybody too much. But then you ruin the farmer. You ruin the farmer.

So we try somehow as we reduce the use of tobacco, and hopefully we do, we just try to say to that community—and I can go down community after community and say to them that we are going to try to help you with infrastructure, with economic development, with loans for new business, to try to make up for the loss. And it all comes out of the tobacco company. It is not a taxpayer fund. It is not coming out of the general fund anyhow, but it comes out of the money developed from the tobacco companies.

One thing I found, that the love of the tobacco farmer or the farmer for his family is hard to improve upon. They are out there in the country and they get up early, work hard, go to school, come back, work hard, study.

One thing that a farm family wants is to see that their children have a good education. If we put him out of business—and 90 percent of them, my university estimates, will be—and there is no income, how do they do it? We keep the program and we say, then, that as the time goes by, and in a certain period, in a certain amount, we will give the tobacco-growing families who wish to provide our* education assistance for their children. What is wrong with that? I don't see anything wrong with it. Others may. They say, well, you are trying to do too much. Well, if you are going to put somebody out of business and that is not his or her choice, something has to be done.

Everybody around here voted for NAFTA—I didn't, but most of them did. What do you do about dislocated workers? I had about 25,000 in my State in the textile industry, and all of those jobs have gone to Mexico after NAFTA. What do you do with 25,000 idle workers? Under the law, you try to train them and get them prepared for another job. That is what we said here. We provide assistance for dislocated workers from tobacco warehouses, processing and manufacturing facilities, who lose their jobs as a result of this tobacco legislation. What is wrong with that? We do it every place else. You say you don't want to do it for this industry. Well, not a farmer had a document, not a farmer was in on the advertising, and not a farmer did anything except try to support the tobacco program.

I think that we have developed an approach that looks not just at the farmer, but at the entire community that will be impacted by this legislation. This approach is included in title X of what we call the McCain bill. I can understand the large farmers wanting their money and then being allowed to grow all they want. They will be the only ones that can contract with the manufacturers. They will be the ones that will get the big money and membership on the board of some outfit down there. Not one of them grow less than 200,000 pounds of tobacco a year, and so they get anywhere from $1.6 million to around $4.8 million—just those four people. So they will get around maybe $10 million, $11 million, or $12 million. No wonder. Those four who raised about 1.2 million pounds are big enough. They are big enough to deal with the manufacturers. But we have just paid them a good deal of money and told them ''you are out on your own.'' They like that. They have money. But you are going to pay it over 3 years, and they are going to have to pay tax on it, so it is going to stick them a little bit.

Title XV, on the other hand, promises tobacco farmers the same amount of money, but over 3 years instead of 9. It would allow for the unlimited and largely unregulated production of tobacco. Title XV saves tobacco companies $1 billion per year for the next 25 years. Title XV requires somewhere between 46—I wanted to look at the amendment, and I am sure the Senator will correct me. It is 46 or 48 percent of all the money—that is in the amendment at the desk—to pay for the Lugar amendment in the next 3 years, where under the bill it says it can only have 16 percent. At the end of 9 years, we only get 4 percent. Something about that in the transition, it seems to me, ought to be done.

So let's remember that title XV is a billion dollars per year windfall for the tobacco companies. It is $1 billion a year windfall for the tobacco companies. Are you going to vote for the farmer or the tobacco companies? I think that question is pretty clear. Each year, tobacco companies pay based on the program. Most of the time, they pay above the average. So we take the average and knock 70 cents a pound off. That is going in. You can't pay people to grow it, fertilize it, for the equipment and all that, and come out as a small farmer. So roughly one-third will be reduced. Over the course of 25 years, the Lugar amendment saves the tobacco manufacturers a minimum of $25 billion. Do you want to take the manufacturers over the farmers? I hope not.

And the Lugar amendment takes away the money that the Leaf Act would spend to try to spur economic development, to try to give them technical advice, to go from one crop to the other, which is not in the Lugar

amendment. It takes away the education. It doesn't even talk about educating kids. We are just going to put you out of business and give you some money and let you go on your own. We are going to reduce the value of your land—in my State, $7 billion. How is that going to reflect on the taxes that are paid in the counties and the cities and the State? Are they going to raise taxes on a smaller amount of value? You know, this thing has ripples.

I don't believe the Senator from Indiana has thought all these through. If he has, I don't believe he would be this harsh on tobacco farmers. I am sure there would be a rebuttal, but you can't rebut if you take the quota away and it reduces the value of the land. That is a taking. You go to bed with the value of the land, and you wake up and the program is gone; tomorrow the value of your land is gone. They can foreclose on you because you don't have enough value to cover your mortgage.

Mr. LUGAR. Will the Senator yield for a question?

Mr. FORD. I will be glad to yield. I wondered how long you were going to sit there and take all this.

Mr. LUGAR. I respect the Senator from Kentucky. I wanted to inquire of the Senator. The discussion is very important.

Mr. FORD. I respect the Senator from Indiana, also.

Mr. LUGAR. I wonder if the Senator planned to continue his discussion until the end of the session, or whether at some point I might seek recognition to speak.

Mr. FORD. I will be glad to give the Senator an opportunity to speak as long as he doesn't make a motion. When we get to a vote on this, I would like to have some agreement, if we could, as it relates to a vote.

Mr. LUGAR. If the Senator would consider allowing me to speak, I pledge to the Senator not to make a motion with regard to disposition of this bill during today's session.

Mr. FORD. The Senator's word is as good as gold. I have no problem with that. All I want to do is, after you get through, I imagine I will have something else to say, and then it will probably be dinnertime.

I yield the floor, Mr. President.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I hope the Senator will understand this observation. Clearly, the strongest thing going for the Ford amendment is the Senator himself. As he has pointed out, he has long service to the people of Kentucky and his arguments on behalf of farm families with whom he has visited, and clearly all Senators have affection for the distinguished senior Senator from Kentucky. It is my hope and had been my hope that I could persuade him that it is in the best interest of these farmers—the people with whom he has visited on the porches, who really have very real needs—and that is true of any tobacco farmers in the communities—and we want to support them.

I know they are not as numerous as those in the Senator's State, but it is still very important to me. Our argument is really over what the future holds for them. I come into this business having conducted hearings, not claiming extensive knowledge like the Senator from Kentucky, but nevertheless understanding the predicament, it seems to me, of the tobacco program. I believe that it is a deteriorating and failing program. To give any other impression is not to give a very good forecast of the future. I hope the Senator from Kentucky agrees with me that, given that predicament, this particular piece of comprehensive legislation is almost a heaven-sent opportunity and has a lot to do with farmers who are tobacco farmers and those in those communities. I believe that if the opportunity passes, so will the opportunity for many of those families. That concerns both of us.

Let me just say for the record that the Senator from Kentucky mentioned that an amendment I had planned to offer at the desk would provide for 46 percent of the farmers' money coming in the first year. That is correct. Let me point out, this is 46 percent of the money dedicated to farmers, not 46 percent of all of the money in the bill.

Mr. FORD. Will the Senator yield for a question at that point?

Mr. LUGAR. Certainly.

Mr. FORD. Is that 46 percent of 16 percent?

Mr. LUGAR. Yes.

Mr. FORD. You only take 8 percent of the tobacco money.

Mr. LUGAR. No. The amount of money in the Lugar bill for farmers is about, as I recall, $16 billion or $17 billion. And 46 percent of that would come in the first year.

Mr. FORD. Then you have to get the money from somewhere. As I read the amendment, I say to my friend, that would take 46 percent of the money raised by the tobacco bill. So the States get 40 percent and you get 46 percent. That is 86 percent of all the money.

Mr. LUGAR. I will not argue with the Senator's arithmetic. I suggest there is even a worse predicament; namely, as the Senator has pointed out, a marriage penalty, and the drug program. Other things have been added in since we started the argument. My thought—this was at least in the working with the health community—was to try to stake out the farmers' claims before various other claims of the health community and various others that might come along. Clearly, the amounts of money in the amendment of the Senator from Kentucky in this bill will have to be expanded. And in conference they surely will be expanded. It appeared to me to stake out the farmers' interest in this way was prudent. The amendment has not been offered. The Senator has an amendment on the floor to strike my section which is the pending business. So we may never come to that point.

Mr. FORD. I hope.

Mr. LUGAR. That was my motivation. My general logic still is about the same—that we have a very crowded situation up front. But that is not precluding either one of us from arguing for the farmers' interests up front as opposed to downstream, and a long way down the stream in the case of the Senator's amendment.

Let me just try to clarify another point that has arisen along the way; namely, that the Lugar plan would be of great benefit to cigarette companies. The distinguished Senator from Kentucky has frequently said, ''Are you for the companies, or the farmers?'' I am for the farmer. I have made no mistake about that for years. The distinguished Senator from Kentucky will recall that I have been attempting to wrap up the tobacco program for many years—it is not a new endeavor—because I don't believe it is good agricultural policy. But leaving that aside, the charge is made that under the Lugar plan the tobacco prices would drop dramatically and the companies would, therefore, make more profit on each pack of cigarettes. Let me try to address that as carefully as I can.

Dr. Blake Brown of North Carolina State University, one of the Nation's most respected tobacco economists, studied what would happen if cigarette prices rose $1.50 cents a pack and the tobacco program were ended. As we know, the amendment to raise the price to $1.50 a pack failed. It is $1.10 a pack. So, to that extent, we have a problem with Dr. Brown's analysis. But, nevertheless, follow me if you will. He said that prices would not fall as much as opponents of the Lugar amendment assert. He projected a decline of 20 percent to 25 percent at around 35 cents to 40 cents, not the 60 cents or 70 cents claimed by some. Notwithstanding that, he said the price would fall but production would increase.

The Senator from Kentucky has made that point—and he is correct, according to Dr. Brown—that, in fact, a more efficient tobacco industry is likely to arise under the Lugar amendment. This should not be surprising.

Essentially, the tobacco program now brings about a very inefficient tobacco situation in the United States. I am not a proponent of tobacco, but I would say freedom to farm would be good for tobacco. In essence, the price will fall, more will be produced, exports will increase because price-wise—I would argue quality-wise—and it would be more competitive. Revenue is not simply price; it is price multiplied by volume. As a matter of fact, Dr. Brown estimates the total dollar value of tobacco sales would fall by just 2.8 percent, or $74 million, a year. By contrast, the Commerce Committee bill raises about $500 billion from the tobacco companies.

Mr. President, it is my analysis that, in fact, the tobacco companies conceivably have $74 million of economy a year, not a billion a year that the Senator from Kentucky has mentioned. You multiply that by 25—I am asserting it is more like $74 million perhaps, and conceivably less than that, as a matter of fact.

That is a very different ball park to argue the situation one way or another for the tobacco companies. But I would simply say that the tobacco companies are more likely to buy American tobacco under this situation. It is unlikely to lead to a GATT crisis, simply because the market works. One reason the tobacco companies do not buy as much American tobacco now is that normally the quality of much of it is not very good. The price of it is abnormally high. They have substituted purchases from abroad.

There are so many mixed motivations in this bill that some Senators might argue we do not want a more efficient tobacco industry. As a matter of fact, we want to make it as inefficient as possible, as few sales as possible of American tobacco, the least rationalization economically of it all. But you can't carry water on both shoulders on this issue.

I am suggesting that this is a good time simply to get the governmental apparatus out of it, which, in my judgment, is not very helpful either to the tobacco farmers, or the tobacco companies, or to anybody involved, and clearly it leads to a balance of trade problem for America generally.

Let me get into the health and research question again, because some Senators may be tempted to support the amendment of the Senator from Kentucky because they believe that health programs might be disturbed in the redistribution of these funds.

Let me just point out that the technical details of Senator FORD's proposal are important to know. For example, in the amendment that he has presented—and it is part of this bill now—the Ford plan costs will immediately explode by design, because payments are accelerated if the tobacco program ends. These costs could be over $10 billion in a single year.

Why do I mention this? I mention it because I would guess, having witnessed action on the floor for several years, that in some year some Senator is going to propose the end of the tobacco program. That may not occur tonight or tomorrow. It could, if the Senate passes my amendment. But for some reason, because of sentiment for the distinguished Senator from Kentucky to continue this process, after the distinguished Senator has left the floor and left the Senate, my prediction is that some Senator will say this doesn't make sense, for the Federal Government to be prescriptive with regard to tobacco and here we are supporting tobacco in this way by governmental fiat.

So at some point in a farm bill, or without a farm bill, my guess is the program will come to an end. The Senator has thought of that and says if that should be the case, immediately payments of all sorts come to tobacco farmers. In other words, there is a ticking time bomb there to suggest it is very expensive for anybody to try to end the tobacco program. Members need to understand that. They are buying not only a continuation of the tobacco program but a rather huge payment, if anyone should dare to tamper with the program.

The health community people need to understand that. This is not a benign amendment with regard to the health of the American people.

Let me point out, Mr. President, that the charge that we will give a $1 billion gift to cigarette manufacturers, taking it out of the farmers' pockets, just simply does not hold water. We have cited Dr. Brown of North Carolina State before. I cite Dr. Brown again. He estimates, as we have suggested, that farmers' total revenue might decline by 15 percent. He said this decline assumed a $1.50-a-pack price, but even at the $1.10 we finally adopted, the increase in their loss of revenue could still be severe—maybe not 15 percent but something in that neighborhood. Keeping the current program means lower total revenues for American tobacco farmers because noncompetitive U.S. prices well encourage a continued uptrend in imports and reduce exports while domestic demand is stagnant or falling.

I made the point, Mr. President, that it is conceivable through protectionist legislation on top of this that Senators might decide to try to keep foreign tobacco out of the country, might try to amend the GATT at the World Trade Organization meetings when they come along next year. That would add, I suppose, double jeopardy to the whole situation—Federal sponsorship of tobacco, compounded by protectionist legislation enveloping even that.

That does not make sense. This is not the way the world works. It is not the way the policies of this country are headed. Why in the particular instance of tobacco is there a blind spot with regard to the successful economic operation of our country including this specific industry? In fact, I would suggest that the families who, under the Lugar amendment, will be collecting $8 a pound for quota will use that money, many of them, to make investments and to earn money on them that are substantially more sound and more lucrative than the investments they have in tobacco. The tobacco industry is not a winner in terms of current investment either as a farmer, warehouseman or a manufacturing concern. It is not a winner because this legislation is in the Chamber and the impact of this legislation is going to be very depressing to tobacco people wherever they are.

The intent of the distinguished Senator from Kentucky and myself is to not only cushion that blow for farmers and those communities, but it is to provide, upfront and quickly, capital for those farmers to have a pension or money to invest in other operations, agricultural or otherwise, or money for scholarships. And I share the enthusiasm of the distinguished Senator from Kentucky for education of young people in those areas where tobacco is produced, as well as elsewhere. But I would seriously question whether the educational opportunities of those students are going to be enhanced by continuation of the tobacco program, a program that will mean less income for their families annually as far as the eye can see, from an industry and a general area, that of tobacco, in which demand will be depressed, in which sales and the amount of quota given annually will be depressed and in which, one after another, these families will in fact leave the business.

I am not trying to legislate anyone out of business. I am as sensitive as the distinguished Senator from Kentucky that in a deteriorating situation people are leaving farming in general, but they are leaving tobacco farming in particular because it is particularly depressed and does not have even the liberation of freedom to farm, the ability to farm or to plant what he wants to maximize his or her production in this country.

If, in fact, we are talking about the health and welfare of tobacco farmers—and that is our intent today—and the distinguished Senator from Kentucky is correct, that we were not at the table when the attorneys general of the various States met with the tobacco companies—and, in fact, testimony before the Agriculture Committee by at least one witness was that settlement for growers was deliberately left out. It was, to quote one of them, a deal breaker. Others have said that all along they expected Congress would act, and, indeed, we are attempting to do that.

Mr. President, if we do not act or if we had not acted by bringing these amendments to the floor, I think it is clear to the tobacco farmers in my State they will be on a losing course with tobacco for the rest of their lives without any recourse or any particular funds.

Finally, Mr. President, I would suggest as to the critical issue that has been suggested; namely, is there credible evidence that farmers will receive their money, the distinguished Senator from Kentucky has pointed out that certainly my plan looks attractive to farmers who anticipate receiving $8 per pound of quota in the first 3 years after enactment; that my plan looks attractive to farmers who want to continue on and receive transition payments comparable to those of freedom to farm for corn and beans and wheat and cotton and rice, and my plan looks attractive, as a matter of fact, to communities that receive at least modest amounts of community development funds. The Senator from Kentucky has pointed out the value of these funds.

I believe my amendment is attractive for all of these reasons, and this is why it is attractive to grower organizations in most States that have a lot of tobacco—a great deal of support, resolutions of support directly, editorial support in newspapers. It is not because people in those States necessarily favored my desire to end the tobacco program. It is because they came to a recognition the program is ending. It will be gone. This is the one opportunity in which some compensation might occur. It is an opportunity not to be missed.

Now, if it is to be ceased in terms of the family, the money upfront makes sense. It is very important to understand that and to understand why that injection of capital and expenditure and buying power into tobacco communities is important in the short run. It is important to understand why, when a conference occurs with the House, if they pass a bill, growers need to have a strong position at the table, which our bill gives them. I think it is very important, as a matter of fact, to the success of this legislation as a whole that there be a provision such as the one I have suggested and which the distinguished Senator from Kentucky has now moved to strike—that my provision be there. It is a strong reason for Senators to vote for the overall legislation.

I would say correspondingly, if in fact the tobacco program is to continue on forever, and if the expenditures the distinguished Senator from Kentucky has pointed out are very generous to his State and a few others are to be a part of that, many Senators will raise the question as to why the rest of the United States of America ought to subsidize these few States or these few counties. What equity is there, as a matter of fact, in such a transfer of money over the course of time? And Americans will clearly ask, Is it not hypocritical to maintain that entire apparatus if the point of tobacco legislation is to discourage smoking, discourage consumption, to help improve the health of the American people and the desire of young people to become committed to smoking at all.

For these reasons, I am hopeful that as Members ponder their decision—and it may be a decision they will have to ponder throughout the evening or will make at some point in the morning, because I have pledged to the distinguished Senator now to make a motion. I had indicated earlier in the afternoon I was perfectly willing for a quick vote, and that situation did not materialize.

There is no one here stopping progress. I will just simply say, at some point this has to be resolved, and I hope the Senators will resolve it in favor of the Lugar amendment, because I believe this is the best course for tobacco farmers, for tobacco communities, and for our national policy.

I thank the Chair, and I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, it has been a good debate, and I have enjoyed it. I am not learned in debate. Whatever skills I might have come from experience. I have been around here a little longer than the Senator from Indiana. This is my 24th year, and I believe this is maybe his 21st or 22nd. Of course, he was mayor of Indianapolis; I believe, one of the favorite mayors at that time. He said after I leave the Senate, the tobacco program is gone. Can you believe one Senator can be that strong? The first thing I learned when I came here was that every Senator is independent. Every Senator has one vote. He controls that out here and nobody controls him. I just can't believe it, but it is in the RECORD, and I might cut it out of the RECORD and frame that statement from a Member of the other side.

I was sitting here thinking about the money and how much is available. If the Senator's amendment stays in, this amendment will have to go beyond the 16 percent. But, if you get 46 percent in the first year, that is where you need 60 percent of the first year's money. That is $8 billion that you will have to pay out the first year. That is 60 percent. I suggest it will be close to 60 percent in the second year and the third year. If the Senator wins, he might want to change the percentage on that amendment.

The Senator says that public health groups say regulation of tobacco will be less efficient. I believe that is his statement. On the one hand, he says funding is not important; on the other hand, he says there is a ticking time bomb of explosion. I don't quite understand that money is not important. He says funding is not important but, on the other hand, there is a ticking time bomb.

Senators should know that Senator LUGAR is promoting his proposal because it would increase tobacco production. He said that—increase tobacco production, going to make it more efficient, all those good things. But he is promoting the increase in tobacco production.

Ask the public health groups what they think about that. Ask a small farmer what he thinks about that: a production increase for big farmers, fine, while the small ones are out of business. I don't believe the Senator would like it if he was back in his home in Indiana, and he has value of land—they talk about the money up front and they can make an investment, but when you lose hundreds of dollars per acre in value of your farm, I am not sure how well you come out in this, and they put them out of business. At least 90 percent of my small farmers in Kentucky are gone, and that is a conservative estimate, not a liberal estimate, but a conservative estimate.

We are getting to the point where it is very difficult for me to understand, and I think the Senator is having a hard time defending his position when he is wanting to increase the growth of tobacco, reduce the price and save the tobacco companies a billion dollars. I say to the Senator, that is true, and it may be even more than that, because four companies control 98 percent of the growth of tobacco. We have a hard time exporting tobacco because other countries are growing it, and companies have promoted some of that. So we limit it. Like everybody else, we limit it, and it is a pretty large limit on imports, to 150,000 metric tons or more.

Somebody has to be thinking through all of this as much as we are, and those people who are thinking through this are the health groups that have been fighting so long as it relates to reducing the use of tobacco by underage children.

Something quite remarkable, I say to the Senator from Indiana, occurred on March 16 of this year. Remember that date, March 16. On that day, March 16, 16 tobacco farming groups and 24 public health groups came together to agree on a common set of core principles. You talk about health groups now. Here are 16 tobacco farm groups and 24 public health groups that came together to agree on a common set of core principles to guide the debate—to guide the debate—on tobacco legislation. Both sides and all 40 groups agreed that ''a tobacco control program which limits supply and which sets a minimum purchase price is in the best interest of the public health community.''

That is a pretty strong statement by the health groups, and in conjunction with the tobacco interests. According to the Campaign for Tobacco-Free Kids in a letter dated May 13, ''those public health groups who signed the core principles remain committed to the principles outlined in them, including maintenance of a supply limiting tobacco program.''

What we are doing here is—I believe it is under title IV of the bill, and I am sure the Senator knows what title IV is, but that limits the amount of money that can be spent for agricultural purposes under this bill. The LEAF Act is under that limit. The Senator's amendment is about three times or four times over that limit. But we are within that limit. This is approved by the health groups. Instead of cutting them off at the knees in 36 months, we give them a little more time to phaseout. They can sell out, they can buy out.

I have a list of all of the groups that signed the core principles, such as the American Heart Association, the American Cancer Society, Americans for Nonsmokers Rights, American College of Chest Physicians, Association of Schools of Public Health, the Oncology Nursing Society, Partnership for Prevention, National Hispanic Medical Association—I can go down all these groups that think keeping the program is the right thing to do and saving $18

billion. I might say to my colleagues, saving $18 billion for the use for research and health care and all these other things.

Mr. President, I ask unanimous consent that a list of the public health groups that signed the core principles be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

The following public health groups signed the ''Core Principles'':
American Heart Association
American Public Health Association
American Cancer Society
Americans for Nonsmokers Rights
American Association for Respiratory Care
American College of Cardiology
American College of Chest Physicians
American School Health Association
American College of Preventative Medicine
Association of Schools of Public Health
Interreligious Coalition on Smoking OR Health
Campaign for Tobacco Free Kids
Oncology Nursing Society
Family Voices
Partnership for Prevention
National Hispanic Medical Association
Coalition for Health and Agriculture Development (KY)
Kentucky Action
American Cancer Society (KY)
American Heart Association (KY)
American Lung Association (KY)
Kentucky Dental Association (KY)
Kentucky Medical Association
Kentucky Parent Teachers Association
Kentucky Society for Respiratory Care
American Heart Association
American Lung Association
Kentucky Smokeless States Project
Albermarle County (VA) Medical Society
Virginia Public Health Association
Georgia Public Health Association

Mr. FORD. I thank the Chair.

Mr. President, I understand that the distinguished Senator from South Carolina wishes to make a statement. And I am more than willing to yield to him.

Mr. THURMOND. Thank you.

Mr. FORD. I understand he needs about 5 minutes.

Mr. THURMOND. About 6 or 7.

Mr. FORD. Well, that is pretty close. So, Mr. President, I ask unanimous consent that the distinguished President pro tempore be recognized for what time is necessary, and that after he has completed his statement, that I be recognized.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from South Carolina.

Mr. THURMOND. I wish to thank the distinguished Senator for his courtesy.

Mr. FORD. I appreciate you being a cosponsor on my LEAF Act, too.

Mr. THURMOND. Mr. President, thank you.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 2176 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. THURMOND. Mr. President, I yield the floor.

Again, I wish to thank the able Senator from Kentucky.

Mr. FORD. I thank the Senator.

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky is recognized.

Mr. FORD. I do not know that there are a great deal of additional thoughts that we need to discuss. I could go down—one of the things that I want people to understand is that we are not just doing away with the tobacco quota. Oh, we are paying them some money, but the average, I don't think, is going to be much over $20,000, divided by 3 years. And the taxes are paid.

Anywhere from 15 to 20 percent of the value of Kentucky farmland is based on the tobacco quota. In rural Kentucky, banks will not lend to farmers unless they know the value of their tobacco quota. Real estate does not sell without disclosing the amount of tobacco quota on a farm. You can't sell a farm without disclosing that. That is an important feature.

If you read the real estate section of the Kentucky newspapers, you will see the amount of tobacco quota advertised with the sale of the farmland. So if the program is done away with, then the value of the land is reduced anywhere from 15 to 20 percent, and that is up to $7 billion. So we are not only taking away the livelihood, we are also reducing the value of the product this farmer has worked all his life to hold.

There is something here that I believe is fundamental—fairness. And under the Lugar bill, that is not fair. So this will have major, devastating consequences on the tax base in rural Kentucky—all because of the hostility of title XV toward the small tobacco farm.

The Lugar alternative is really no alternative at all when you look at what happens to that tobacco farmer. It gives him a little money, and he is out. And we reduce the value of his land. He pays big sums of tax on it. If it is 20 percent, fine, but he has to figure some way.

So, Mr. President, I do not know what the majority leader or the Democratic leader would like to do. I understand we have a joint meeting tonight, with both sides, beginning at 6:30. We are getting reasonably close to that. So in order to find out if it is all right with the Senator from Indiana, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LUGAR. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHITE HOUSE SIGNING CEREMONY FOR THE BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 1998

Mr. CAMPBELL. Mr. President, today is a very special day for both our nation's serving law enforcement officers and myself.

At 3:00 this afternoon, Arapahoe County Sheriff Pat Sullivan and I were at the White House attending a ceremony where the President signed into law the Bulletproof Vest Partnership Grant Act of 1998. The enactment of this bill is near and dear to my heart.

During the years I served as a Deputy Sheriff in Sacramento County, California, I gained a first-hand understanding of the dangers our law enforcement officers face in the line of duty. Our brave men and women wearing a badge simply never know what life threatening dangers each new day may bring. We must do everything we can to help these officers acquire the equipment they need to stay alive while they are going about the job of protecting the American people and preserving the peace.

The Bulletproof Vest Partnership Grant Act will help get one of the most critical and effective pieces of life saving equipment, namely body armor, into the hands of thousands of cops who would not otherwise have the resources to access it. Simply put, this bill will save many, many lives. This bill will help prevent wives from becoming widows, husbands from becoming widowers, and children from being raised without their father or mother.

On this special day, it is fitting to pay a tribute to one very special law enforcement officer who was killed recently while serving in the line of duty. Officer Bruce VanderJagt was killed by a hail of bullets in Denver, Colorado in November, 1997. His untimely death left his wife, Anna Marie, without her husband, and his two-year-old daughter, Hayley Louise, without her devoted father. Officer Bruce VanderJagt is remembered for his charm, his exceptional humility, his wit and intelligence as exemplified by the two master's degrees he earned, and the courage that earned him two distinguished service crosses. He will be missed.

We must do all we can to protect law enforcement officers like Bruce VanderJagt. If even one law enforcement officer's life is saved by a bullet proof vest that would not have been available without this law, all of our hard work that went into getting this bill through Congress and today enacted into law, will have been well worth it.

MESSAGES FROM THE HOUSE

At 12 noon, a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2888. An act to amend the Fair Labor Standards Act of 1938 to exempt from the minimum wage recordkeeping and overtime compensation requirements certain specialized employees.

H.R. 3494. An act to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2888. An act to amend the Fair Labor Standards Act of 1938 to exempt from the minimum wage recordkeeping and overtime compensation requirements certain specialized employees; to the Committee on Labor and Human Resources.

H.R. 3494. An act to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes; to the Committee on the Judiciary.

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 1023. An act to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated antihemophilic factor, and for other purposes; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–460. A joint resolution adopted by the Legislature of the State of Colorado; ordered to lie on the table.

SENATE JOINT RESOLUTION 98–005

Whereas, legislation has been introduced in the United States House of Representatives (H.R. 2625) and the United States Senate (S. 1297) to rename the Washington National Airport as the ''Ronald Reagan Washington National Airport''; and

Whereas, this federal legislation is intended to honor one of the greatest and most loved presidents of the United States; and

Whereas, president Ronald Reagan left the United States and the world a legacy of prosperity and freedom; and

Whereas, naming the gateway to the nation's capital after President Ronald Reagan is a fitting tribute to his contributions to our nation and to the world; and

Whereas, this dedication should be completed in honor of President Reagan's eighty-seventh birthday on February 6, 1998; Be it

Resolved by the Senate of the Sixty-first General Assembly of the State of Colorado, the House of Representatives concurring herein: That we, the members of the Colorado General Assembly, encourage the President and the Congress of the United States to enact legislation to rename the Washington National Airport as the ''Ronald Reagan Washington National Airport''.

Be it further resolved That the Secretary of the Senate transmit copies of this resolution to the President of the United States, the Vice-President of the United States, the Speaker of the United States House of Representatives, and to each member of the Colorado delegation to the Congress of the United States.

POM–461. A resolution adopted by the House of the Legislature of the Commonwealth of Massachusetts; to the Committee on Appropriations.

RESOLUTIONS

Whereas, the Land and Water Conservation Fund, conceived in 1964 as a Federal-State partnership program, was created to expand the Nation's park and recreation system through funds received from off-shore oil leasing fees; and

Whereas, since 1995, the Land and Water Conservation Fund has not been funded, thereby denying States the opportunity to provide recreational facilities for families; and

Whereas, this lack of funding has hampered the States ability to effectively protect its valuable natural resources; and

Whereas, over $127,000,000 could have been leveraged through the Land and Water Conservation Fund for the States of Massachusetts, Connecticut, New Hampshire, Rhode Island and Vermont had the stateside funding been available; and

Whereas, the reinstatement of this funding will directly affect the quality of life we can provide to our citizens and the protection we can give to our natural resources; therefore be it

Resolved, that the Massachusetts House of Representatives urges the Congress of the United States to reinstate full stateside funding of the Land and Water Conservation Fund to give States the means necessary to preserve their natural resources and open space from urban centers to coastal zones; and be it further

Resolved, that a copy of these resolutions be forwarded by the clerk of the House of Representatives to the presiding officer of each branch of Congress and to the Members thereof from this Commonwealth.

POM–462. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Appropriations.

SENATE RESOLUTION NO. 172

Whereas, our country is strongly committed to equality of opportunity. An important government body working to put this commitment into action is the Equal Employment Opportunity Commission (EEOC), the nation's leading civil rights enforcement agency; and

Whereas, the EEOC currently has a backlog of 65,000 cases of discrimination to investigate to pursue justice for individual citizens victimized by unfair and illegal practices. The EEOC needs to direct its resources to these individuals, rather than to the pursuit of trying to find new instances of possible problems. It is much more prudent to handle specific cases of discrimination than to direct energies to test employers by using decoy job applicants to look for discriminatory behavior; and

Whereas, the administration's recommendation of increased spending for the EEOC is appropriate if the increased funds are targeted to address the backlog of discrimination cases that need to be investigated. The men and women victimized by discrimination deserve the protection of the EEOC and should not be made to wait longer while resources are directed to less productive activities; now, therefore, be it

Resolved by the Senate, that we memorialize the Congress of the United States to increase funding to the Equal Employment Opportunity Commission to handle the backlog of individual cases; and be it further

Resolved, that copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–463. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Commerce, Science, and Transportation.

LEGISLATIVE RESOLVE NO. 56

Whereas overcapitalization of fish harvesting capacity in the Bering Sea has resulted in highly compressed, derby-style fisheries; and

Whereas overcapitalized fisheries typically lead to excessive exploitation of a fishery resource, often resulting in a precipitous decrease in the economic yield of the fishery resource; and

Whereas the State of Alaska values sustainable fishery management principles, which include minimizing bycatch and waste, maximizing utilization of the fishery resources harvested, minimizing adverse effects of fishing gear on fish habitat, and maximizing economic returns on the public fishery resource for the benefit of Alaska communities and the citizens of the United States on the whole; and

Whereas Senator Ted Stevens of Alaska has, with the cosponsorship of Senators Murkowski, Breaux, and Hollings, introduced S. 1221, ''American Fisheries Act''; and

Whereas S. 1221 would effectively limit fishing capacity in the Bering Sea fishing fleet through vessel size limitations and ownership requirements; and

Whereas S. 1221 would limit the maximum length, tonnage, and shaft horsepower of vessels engaging in domestic fisheries in the United States navigable waters and exclusive economic zone; and

Whereas S. 1221 would require that at least 75 percent of the controlling interest of a vessel engaged in the fisheries in the United States navigable waters and exclusive economic zone be owned by citizens of the United States; and

Whereas S. 1221 would correct a loophole in the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 that allowed vessels that were rebuilt in foreign shipyards to enter the fisheries off Alaska; and

Whereas S. 1221 would permanently prohibit federal loan guarantees for any vessel intended for use as a fishing vessel that does not meet size, tonnage, horsepower, and domestic ownership criteria; and

Whereas S. 1221 would effectively promote further Americanization of the fisheries of the United States;

Be it resolved, That the Alaska State Legislature supports those provisions of S. 1221, the ''American Fisheries Act,'' that would reduce the fishing capacity of the Bering Sea fishing fleet and promote the Americanization of the fisheries of the United States; and be it

Further Resolved, That the Alaska State Legislature respectfully requests the Congress to pass S. 1221.

Copies of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; and to the

Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM–464. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION 149

Whereas, in February 1997, the Federal Aviation Administration announced an initiative to demonstrate, validate, and deploy an air traffic management system in response to recommendations made by the White House Commission on Aviation Safety and Security, a plan known as Flight 2000, to accelerate the National Airspace System modernization, and is scheduled for demonstration in the year 2000 with deployment in 2005; and

Whereas, Flight 2000, a five-year program projected to cost $400,000,000, will employ new technology, advanced communications, navigation, surveillance, and air traffic management capabilities to provide improved safety, security, capacity, and efficiency at affordable costs and will involve the integration of navigation satellites, digital communications, weather processors, cockpit displays, and air traffic control and flight planning tools; and

Whereas, Hawaii and Alaska, due to their geographic isolation, fixed quantity of aircraft operating exclusively in their respective areas, and relatively low cost of equipage, have been initially selected as demonstration sites that offer a controlled environment allowing a full scale evaluation involving all classes of aviation operators and all categories of airspace; and

Whereas, Hawaii's favorable weather, prominent topographic features, and need for few ground stations for support, offer the simplest, lowest risk, least costly, and safest evaluation site ideally suited to test Flight 2000 for intercity travel for improvement in services to pilots, to evaluate safety benefits and navigation systems reliability; and

Whereas, both sites are essential to evaluate different aspects of Flight 2000's total system capabilities; and

Whereas, the Oakland Air Route Traffic Control Center will also be involved in Flight 2000 in evaluating oceanic airspace operational improvements between Hawaii and the transition to domestic airspace; and

Whereas, as a test site, the Federal Aviation Administration will fund the upgrade of Hawaii's air traffic management infrastructure and the test aircraft equipment to provide the necessary communications, navigation, and surveillance equipment including the purchase, installation, and repair of aircraft avionics and multi-functional display equipment; and

Whereas, the Flight 2000 plan has been delayed by one year because federal funding did not materialize for fiscal year 1998 and there are indications that budget constraints may necessitate reducing the cost of Flight 2000 and placing the project back to its projected schedule by diminishing Hawaii's role as a test site and to conduct the evaluation exclusively in Alaska and in Oakland; and

Whereas, Hawaii has a key role in Flight 2000 in accelerating the operational deployment of technology to the rest of the nation and the world, toward increased flight safety and efficiency into the twenty-first century; and

Whereas, Hawaii and its citizens virtually depend on air transportation for the State's economic well-being, and Hawaii needs modern and efficient aviation systems to progress and develop its full resource potential; now, therefore, be it

Resolved by the House of Representatives of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, the Senate concurring, that the Federal Aviation Administration, the U.S. Senate Committee on Commerce, Science and Transportation and the U.S. House Committee on Transportation and Infrastructure promote actions to ensure that Hawaii remains a test site in the Flight 2000 demonstration project; and

Be it further resolved, That Hawaii's congressional delegation is strongly urged to assist the Federal Aviation Administration and the Senate and House committees in their efforts to promote Hawaii as a test site; and

Be it further resolved, That certified copies of this concurrent Resolution be transmitted to the Federal Aviation Administration, the U.S. Senate Committee on Commerce, Science and Transportation, the U.S. House Committee on Transportation and Infrastructure and Hawaii's congressional delegation.

POM–465. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION 39

Whereas the Antiquities Act of 1906 (16 U.S.C. 431–433) grants authority to the President of the United States to establish national monuments; and

Whereas the Antiquities Act was intended to preserve only historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest; and

Whereas the Antiquities Act has been misused repeatedly to set aside enormous parcels of real property; and

Whereas the establishment in 1906 of the Grand Staircase-Escalante National Monument in southern Utah set aside 1,700,000 acres of land, despite the objections of public officials in the State of Utah, making it the largest national monument in the continental United States; and

Whereas this designation clearly violates the spirit and letter of the Antiquities Act that requires monument lands to ''be confined to the smallest area'' necessary to preserve and protect historical areas or objects; and

Whereas the creation of the Grand Staircase-Escalante National Monument has resulted in the loss of significant economic resources for the public schools and the taxpayers of the State of Utah; and

Whereas the power to establish national monuments can be checked only in limited circumstances; and

Whereas, in 1950, the State of Wyoming obtained statutory relief from the further establishment of national monuments without the express authorization of the Congress (16 U.S.C. 431a); be it

Resolved, That the Alaska State Legislature respectfully requests that the United States Congress enact legislation prohibiting the President of the United States from further extending or establishing national monuments without the express authorization of the Congress; and be it further

Resolved, That the Alaska State Legislature encourages the Governor to take action to encourage the federal government to provide the state with statutory relief from the establishment of national monuments in Alaska.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S. Senate; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable Thomas Daschle, Minority Leader of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the Honorable Dick Armey, Majority Leader of the U.S. House of Representatives; the Honorable Richard A. Gephardt, Minority Leader of the U.S. House of Representatives; the Honorable Orin Hatch and the Honorable Robert Bennett, U.S. Senators of the Utah delegation; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM–466. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION 49

Whereas the Clinton Administration has directed the United States Department of Agriculture to establish an interim policy regarding roadless areas in national forests; and

Whereas the United States Department of Agriculture, Forest Service, is considering a proposed two-year moratorium on the building of roads in those roadless areas; and

Whereas the National Forest Management Act of 1976 requires that amendments to a forest plan be done in accordance with regulations that, among other things, allow the public to participate in the development, review, and revision of land management plans for national forests such as the Tongass National Forest and the Chugach National Forest; and

Whereas the Chugach National Forest land management plan revision was initiated in April of 1997, and this plan revision process is the appropriate venue for addressing road building and roadless area issues in the Chugach National Forest; and

Whereas, after an extensive public process, the Tongass Land Management Plan has already considered the management of roadless areas on the Tongass National Forest; and

Whereas the application of such a moratorium to the Tongass National Forest would be a unilateral amendment to the Tongass Land Management Plan, which the Forest Service has just revised at a cost to taxpayers exceeding $13,000,000; and

Whereas, under the Tongass Land Management Plan, the United States Department of Agriculture, Forest Service, plans to offer an average of only 200,000,000 board feet of timber annually, which is far below the 300,000,000 board feet needed for the timber industry as determined by the Governor's Timber Task Force; and

Whereas the proposed moratorium could eliminate the timber industry that remains in Southeast Alaska by reducing the allowable sale quantity on the Tongass National Forest to nearly zero; and

Whereas application of the proposed moratorium in the state also violates the spirit of the ''no more'' provision of the Alaska National Interest Lands Conservation Act (ANILCA), which prohibits federal agencies from establishing new wilderness areas in the state without an act of Congress; be it

Resolved, That the Alaska State Legislature opposes any moratorium on the development of the roadless areas of national forests that overrides the forest planning process provided for by the National Forest Management Act of 1976, which allows full public participation in decisions affecting the multiple use of national forest lands; and be it further

Resolved, That the Alaska State Legislature opposes any moratorium, restriction, or

unilateral amendment to the Tongass Land Management Plan and the Chugach Land Management Plan that overrides the forest planning process required by the National Forest Management Act of 1976, which allows full public participation in decisions affecting the multiple use of national forest lands.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Dan Glickman, Secretary of Agriculture; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Dan Young, U.S. Representative, members of the Alaska delegation in Congress.

POM–467. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION 98–1039

Whereas, In 1997, the United States Bureau of Land Management (BLM) initiated in Colorado a wilderness reinventory of public lands beginning in western Colorado and including lands in Moffat, Mesa, Rio Blanco, Garfield, Montrose, Eagle, Delta, Fremont, Teller, El Paso, Chaffee, Montezuma, Hinsdale, Pitkin, San Miguel, Dolores, Conejos, and Gunnison counties; and

Whereas, To date, six areas in western Colorado have been reinventoried by the BLM for roadless or wilderness designation potential and are being managed to protect the potential, but not necessarily identified, wilderness values as the review process proceeds; and

Whereas, By managing lands as de facto wilderness areas, the BLM has determined to hold oil and gas leasing in abeyance and to limit other discretionary multiple uses on such lands until Congress determines whether the areas qualify for wilderness designation under the federal ''Wilderness Act''; and

Whereas, Numerous questions have been raised regarding the BLM's authority to reinventory these lands for wilderness designation, and what, if any, meaningful public review has or will occur; and

Whereas, All Colorado BLM lands were reviewed under the initial wilderness study process as directed under the wilderness provisions of Section 603 of the federal ''Land Policy Management Act'' (FLPMA) and officially completed in November 1980, and after numerous opportunities for public input and comment, including public hearings, over 800,000 acres were designated Wilderness Study Areas, only then to be managed as wilderness under the interim wilderness management guidelines, with 400,000 acres subsequently recommended to the President for designation as wilderness; and

Whereas, Under Section 603 of FLPMA, the BLM completed the wilderness study and made its recommendations to the President in 1991 and the President submitted his recommendations for wilderness to Congress in 1993; and

Whereas, The lands currently selected for wilderness reinventory in 1997 were rejected by the BLM in the 1980's as not meeting wilderness criteria; and

Whereas, The BLM appears to be reinterpreting its roadless criteria in order to increase the amount of land eligible for consideration for wilderness designation by reevaluating approximately one million acres of land even though such land did not previously meet wilderness criteria and no significant new information has been presented to the BLM on these land issues; and

Whereas, The BLM is continuing to reinventory such lands prematurely before Congress has acted on the President's recommendations; and

Whereas, The BLM is holding in abeyance multiple use activities on lands included as part of the reinventory resulting in detrimental economic impacts to the citizens of Colorado; now, therefore, be it

Resolved by the House of Representatives of the Sixty-first General Assembly of the State of Colorado, the Senate concurring herein:

That we, the members of the Colorado General Assembly, hereby request:

(1) That BLM lands continue to be managed to allow for multiple uses in accordance with existing resource management plans until such time as plan amendments have been lawfully adopted; and

(2) That the United States Congress place a moratorium on any further funding to the BLM for the purpose of carrying out such roadless or wilderness reinventories until Congress acts on the President's 1993 recommendations.

Be it further resolved. That copies of this Joint Resolution be transmitted to the President of the United States, the United States Secretary of the Interior, the Director of the United States Bureau of Land Management, the Bureau of Land Management's Colorado State Director the President of the United States Senate the Speaker of the United States House of Representatives, and to each member of Colorado's delegation in the United States Congress.

POM–468. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION 15

Whereas the federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) substantially revamped the federal-aid highway program and the federal transportation program; and

Whereas ISTEA gave more flexibility to state and local governments to apply innovative solutions to the transportation problems that they face; and

Whereas ISTEA has shifted the focus of the federal surface transportation program toward preservation of highway and transit systems, increased efficiency of existing transportation networks, and integration of transportation modes to enhance efficiency of the transportation system; and

Whereas the states and regional and local governments have invested time and energy in making ISTEA work and this investment should not be lost by significantly altering the programs initiated by ISTEA; and

Whereas the ISTEA programs can be strengthened by allowing greater flexibility between programs and within programs, by allowing greater flexibility to address maintenance needs, by reducing time-consuming federal reviews, mandates, and sanctions, and by allowing self-certification at the state level; and

Whereas the Federal Highway Administration has adopted a regulation requiring that a major investment study be undertaken by metropolitan planning organizations whenever the need for a major metropolitan transportation investment is identified; and

Whereas the major investment study requirement overlaps and duplicates planning and project development processes that are already in place under requirements for long-range planning and congestion management systems; and

Whereas Congress should retain the critical role of the federal government to help fund highway, bridge, ferry, and transit projects and to focus the national transportation policy on mobility, connectivity, integrity, safety, and economic competitiveness; and

Whereas the state of Alaska receives money under ISTEA for construction and improvement of roads, highways, and the marine highway system and for bridge replacement and rehabilitation, state and metropolitan transportation planning, transit programs, highway safety programs, and enforcement of truck and bus safety requirements; and

Whereas the state also receives assistance under ISTEA for transportation projects to alleviate air pollution in two areas of the state where air quality does not meet national ambient air quality standards; and

Whereas 4,300 miles, or about 32 percent of the total mileage, of roads in the state are eligible for federal assistance under ISTEA; and

Whereas the State of Alaska has relied heavily on federal assistance to support construction and improvement of the surface transportation system in the state; and

Whereas continued federal assistance is essential to the establishment of the surface transportation system in the state; and

Whereas the existing surface transportation system in Alaska needs significant repair and maintenance in order to remain a safe and efficient system; and

Whereas surface transportation in Alaska is subject to extreme Arctic and sub-Arctic climate and soil conditions; and

Whereas the State of Alaska cannot maintain or expand the surface transportation system in Alaska without continued federal assistance; and

Whereas the funding authorizations for federal assistance and transportation programs under ISTEA expired September 30, 1997; be it

Resolved, That the Alaska State Legislature respectfully requests the Congress to reauthorize the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) as soon as possible; and be it further

Resolved, That the Alaska State Legislature respectfully requests the Congress to authorize increased funding for surface transportation projects under ISTEA, if possible, but, in any case, to maintain the current levels of funding available under ISTEA; and be it further

Resolved, That the Alaska State Legislature respectfully requests the Congress to allow for a portion of the enhancement set aside funds to be used to maintain or improve pioneer access trails and historical roadways; and be it further

Resolved, That the Alaska State Legislature respectfully requests the Congress to allow for a portion of the enhancement set aside funds to be used to maintain trails and other facilities that are constructed under that program; and be it further

Resolved, That the Alaska State Legislature respectfully requests the Congress to authorize greater use of ISTEA funds for maintenance and repair of existing roads and highways; and be it further

Resolved, That the Alaska State Legislature respectfully requests the Congress to eliminate the requirement for major investment studies under 23 C.F.R. 450.318 as part of the reauthorization of ISTEA; and be it further

Resolved, That the Alaska State Legislature respectfully requests the Congress to authorize grater flexibility in the construction of low volume roads suited to Alaska's remoteness and sub-Arctic and Arctic environment.

Copies of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the Honorable John McCain, Chair, Committee on Commerce, Science, and

Transportation, U.S. Senate; and the Honorable Bud Shuster, Chair, Committee on Transportation and Infrastructure, U.S. House of Representatives; the Honorable Rodney E. Slater, Secretary, U.S. Department of Transportation; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM–469. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION 161

Whereas, a safe and efficient highway system is essential to the nation's international competitiveness, key to domestic productivity, and vital to our quality of life; and

Whereas, Hawaii has critical highway investment needs that cannot be addressed with current financial resources. The Federal Highway Administration rates 313 miles of Hawaii's most important roads in either poor or mediocre condition and judges 51 per cent of our bridges to be deficient; and

Whereas, the current level of federal funding for the nation's highway system is inadequate to meet rehabilitation needs, to protect the safety of the traveling public, to begin solving congestion and rural access problems, to conduct adequate transportation research, and to keep the United States competitive in a global economy; and

Whereas, the federal highway program is financed by dedicated user fees collected from motorists to improve the highway system and deposited into the federal Highway Trust Fund. The Taxpayer Relief Act of 1997 transferred all federal motor fuel taxes into the Highway Trust Fund but provided no mechanism to ensure the funds are spent; and

Whereas, the 1998 congressional budget would constrain federal highway spending well below the level of highway tax receipts, allowing the Highway Trust Fund's cash balance to grow from just over $22 billion today to more than $70 billion by 2003; and

Whereas, Hawaii and other states will be prohibited from obligating any federal highway funds after April 30, 1998, unless Congress and the President enact new highway legislation by that date; and

Whereas, without federal highway funds, many states will be forced to delay life-saving safety improvements, congestion relief projects, and other road and bridge improvements; now, therefore, be it

Resolved by the Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998, the House of Representatives concurring, That the United States Congress enact legislation reauthorizing the federal highway program by May 1, 1998; and be it further

Resolved, That the reauthorization bill should fund the federal highway program at the highest level that the user-financed Highway Trust Fund will support; and be it further

Resolved That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and Hawaii's congressional delegation.

POM–470. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Environment and Public Works.

SENATE JOINT MEMORIAL 98–001

Whereas, in 1996, the Congress of the United States enacted Public Law 95–104, which amended title 4 of the United States Code to limit state taxation of certain pension income; and

Whereas, section (1)(a) of Public Law 95–104, codified at 4 U.S.C. sec. 114, prohibits states from imposing an income tax on any retirement payments made by an employer of such state to an individual who has terminated employment in and who is not a resident of such state; and

Whereas, severance payments and termination payments made by an employer to a nonresidential individual are not accorded the same tax treatment as retirement income under 4 U.S.C. sec. 114 and are therefore subject to the income tax of the state where the employer making such severance payments and termination payments is located; and

Whereas, the result of this inconsistent tax treatment of similar retirement payments is that severance payments and termination payments may be taxable to the employee in both the state of the employee's former residence and the state in which the employee currently resides; and

Whereas, subjecting severance payments and termination payments to different tax treatment than other retirement payments and income results in inconsistent and inequitable treatment of severance payments and termination payments to taxpayers that have relocated to another state after terminating their employment; and

Whereas, the enactment of federal legislation that prohibits a state from imposing an income tax on severance payments and termination payments to an individual that is not a resident of that state will result in the tax treatment of such payments that is consistent with the tax treatment of other retirement income; now, therefore, be it

Resolved by the Senate of the Sixty-first General Assembly of the State of Colorado, the House of Representatives concurring herein. That the Congress of the United States is hereby memorialized to adopt legislation amending 4 U.S.C. sec. 114 to include severance payments and termination payments within the retirement income of a nonresidential individual upon which states may not impose income tax.

Be It Further Resolved, That copies of this Joint Memorial be sent to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of Colorado's congressional delegation.

POM–471. A resolution adopted by the Senate of the Legislature of the State of Michigan, to the Committee on Finance.

Whereas, there is a proposal under discussion promoting a new special tax on sport utility vehicles (SUVs). Media reports indicate that environmental groups are advocating a new federal excise tax on these popular vehicles as a means of raising revenue for conservation purposes. The campaign is centered on the need to preserve threatened natural resources; and

Whereas, while the need for responsible actions on the environment is inarguable, the link to new taxes on sport utility vehicles is clearly invalid. Contrary to the belief of some, sport utility vehicles are used for off-road driving by only a very small percentage of owners. The image of all of these vehicles damaging the environment through off-road use is inaccurate. The proposed new tax is, instead, unfairly targeted to penalize a certain segment of the market and take advantage of the popularity of SUVs. In Michigan, people using vehicles for off-road purposes already finance outdoors recreation through a licensing program; and

Whereas, special purpose taxes that are not based on clear logic and fairness serve to erode public confidence in government. The idea of taxing a certain category of vehicles—used almost entirely in the same manner as automobiles of any size or description—based on misconceptions and inaccuracies is wrong; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to refrain from imposing any special taxes on sport utility vehicles; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–472. A resolution adopted by the House of the Legislature of the State of Michigan; to the Committee on Finance.

HOUSE RESOLUTION NO. 12

Whereas, the North American Free Trade Agreement (NAFTA) enabling legislation was approved by the United States House of Representatives by a vote of 234–200 on November 17, 1993, and by the United States Senate, 61–38, on November 20, 1993; and

Whereas, NAFTA enabling legislation was signed into law by President Clinton on December 8, 1993; and

Whereas, NAFTA is a 20,000-page, multilateral trade agreement between the United States, Canada, and Mexico; and

Whereas, multilateral managed trade agreements like NAFTA are exporting middle-class jobs from Michigan to Third World countries like Mexico; and

Whereas, the Mexican peso collapsed in a financial crisis following NAFTA's approval; and

Whereas, NAFTA's supporters engineered a $50 billion dollar bailout of the Mexican peso paid for by American taxpayers; and

Whereas, the bailout of the peso enriched wealthy owners of peso-dominated debt instruments at the expense of middle-class American taxpayers; and

Whereas, Argentina and Chile have experienced financial instability and currency devaluations in the last decade; and

Whereas, lacking a sound monetary system, the potential for financial instability persists in other Latin American countries like Argentina and Chile under a multilateral managed trade agreement; and

Whereas, working families believe that expanding trade is good for a healthy economy, but American workers have learned from the NAFTA experience that, without protections, job loss, wage reductions, and a weaker voice in the workplace are the result; and

Whereas, as the country continues to remove barriers to trade through new agreements, those agreements must protect worker rights, labor standards, and environmental quality in all countries that are a party to the agreement; and

Whereas, any grant of trade negotiating authority to the administration that gives up Congress's ability to make changes in trade agreements submitted for its approval must also contain strong provisions for addressing worker rights, labor standards, and environmental protection. These provisions must be part of the core agreement and must be subject to the same dispute settlement procedures available to other covered issues; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to oppose extension of the North American Free Trade Agreement (NAFTA) to other Latin American countries; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United

States House of Representatives and members of the Michigan congressional delegation.

POM–473. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 705

Whereas, the State of Tennessee is almost entirely within the service area of the Tennessee Valley Authority (''TVA''), and, with one exception, all electric power in Tennessee is generated by the TVA and distributed by public power companies or electric cooperatives; and

Whereas, the TVA has provided electric power to the State of Tennessee and to the Tennessee Valley since its inception in 1933; and

Whereas, in the last few years, considerable interest has arisen in the deregulation of the sale of electricity in the United States; and

Whereas, each state, including Tennessee, has unique electric power supply sources and demand requirements that cannot readily be accommodated by a federally mandated national time period for full competition; and

Whereas, wholesale or retail electric power competition in the Tennessee Valley is possibly completely dependent upon congressional decision with regard to the TVA; and

Whereas, the General Assembly of the State of Tennessee has created a special study committee for the review of issues arising from the possible deregulation of the electric power industry in Tennessee; and

Whereas, the Electric Deregulation Study Committee has devoted many hours over the last year to the study of the potential impact of the deregulation of the electric power industry in Tennessee; and

Whereas, it has become clear to the members of the Electric Deregulation Study Committee that the federal government does not have the knowledge or resources necessary to determine completely the particular needs of the consumers of electric power in the State of Tennessee; now, therefore,

Be it Resolved by the Senate of the One-Hundredth General Assembly of the State of Tennessee, the House of Representatives Concurring, That the members of this General Assembly strongly urge the Congress of the United States not to take action to mandate competition in the retail or wholesale of electricity without special and careful consideration of the interests of the people of the Tennessee Valley.

Be it further resolved, That the timing for deregulation be left to the General Assembly of the State of Tennessee, consistent with the congressional action necessary to allow competition in the Tennessee Valley.

Be it further resolved, That an appropriate copy of this resolution be prepared for presentation to the President of the United States Senate, the Speaker of the United States House of Representatives, each United States Senator and each United States Representative representing the State of Tennessee, the Secretary of the United States Department of Energy and to the President and Vice President of the United States.

POM–474. A resolution adopted by the Senate of the Legislature of the State of Tennessee; to the Committee on Finance.

SENATE RESOLUTION NO. 148

Whereas, maintaining patient access to affordable, quality health care is of paramount concern to the well-being of all Americans; and

Whereas, recently proposed regulations by members of Congress to implement the 1993 amendments to the ''Stark'' law as they affect the provision of chemotherapy in the physician office setting pose a serious threat to the health of cancer patients in this country; and

Whereas, these proposed regulations, if enacted, would reduce chemotherapy reimbursement to acquisition costs, while failing to adequately pay for other activities needed to provide and support patient chemotherapy in outpatient settings; and

Whereas, such regulations would make it financially impossible to treat cancer patients in offices; in addition, significant concerns exist as to how the Health Care Financing Administration would implement Ambulatory Patient Categories and whether the Administration would attempt to severely limit chemotherapy reimbursements in hospitals; and

Whereas, the administration of outpatient chemotherapy in physician office settings is a safer, more convenient and more cost-effective method for patients to receive their chemotherapy treatments; and

Whereas, many of these patients will suffer needlessly if forced to travel long distances to treatment sites rather than being able to utilize the services of their local physicians; and

Whereas, these amendments, if adopted, would threaten the very existence of community cancer care as we know it, not to mention its impact on community oncology in offices, clinics, groups and hospitals, which strive to ensure that cancer patients receive the quality care they deserve; and

Whereas, although the oncology community and Congress agreed in the Balanced Budget Act to set reimbursement for physician-administered chemotherapy and supportive therapies at AWP minus 5%, the HCFA has advocated such amendments to the Stark II regulations within days of the congressional agreement's implementation, without waiting to determine the impact of the agreement; and

Whereas, with 70% of all chemotherapy being delivered outside hospital settings in physician offices and clinics, most of these locations would be forced to close if these amendments were adopted, resulting in the dismissal of oncology nursing staff that patients rely on to accurately deliver chemotherapy, and the loss of quality control in the mixing of chemotherapy and supervision of its administration by trained physicians and nurses; and

Whereas, while the HCFA believes that eliminating the margin on chemotherapy in office settings will create a major windfall, the proposed amendments to the Stark II regulations will only serve to harm those persons in greatest need of medical assistance; now, therefore, be it

Resolved by the Senate of the One-Hundredth General Assembly of the State of Tennessee, That we respectfully urge the Congress of the United States to address this important issue by not adopting the proposed amendments to the Stark II regulations.

Be it further resolved, That appropriate copies of this resolution be transmitted forthwith to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the Tennessee Congressional Delegation.

POM–475. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION 98–023

Whereas, the United States is a signatory to the 1992 United Nations Framework Convention on Global Climate Change (''FCCC''); and

Whereas, a proposed protocol to expand the scope of the FCCC was negotiated in December 1997 in Kyoto, Japan (''Kyoto Protocol''), potentially requiring the United States to reduce emissions of greenhouse gases by 7 percent from 1990 levels during the period 2008 to 2012, with potentially larger emission reductions thereafter; and

Whereas, President William J. Clinton pledged on October 22, 1997, ''That the United States not assume binding obligations (in Kyoto) unless key developing nations meaningfully participate in this effort''; and

Whereas, on July 25, 1997, the United States Senate adopted Senate Resolution No. 98 by a vote of 95–0, expressing the sense of the Senate that ''The United States should not be a signatory to any protocol or other agreement regarding the Framework Convention on Climate Change . . . which would require the advice and consent of the Senate to ratification, and which would mandate new commitments to mitigate greenhouse gas emissions for the developed country parties unless the protocol or other agreement also mandates specific scheduled legally binding commitments within the same compliance period to mitigate greenhouse gas emissions for developing country parties.''; and

Whereas, developing nations are exempt from greenhouse gas emission limitation requirements in the FCCC, and refused in the Kyoto negotiations to accept any new commitments for greenhouse gas emission limitations through the Kyoto Protocol; and

Whereas, emissions of greenhouse gases such as carbon dioxide are caused primarily by the combustion of oil, coal, and natural gas fuels by industries, automobiles, homes, and other use of energy; and

Whereas, the United States relies on carbon-based fossil fuels for more than ninety percent of its total energy supply; and

Whereas, achieving the emission reductions proposed by the Kyoto Protocol would require an approximately thirty-eight percent reduction in projected United States carbon emissions during the period 2008 to 2012; and

Whereas, developing counties exempt from emission limitations under the Kyoto Protocol are expected to increase their rates of fossil fuel use over the next two decades, and to surpass the United States and other industrialized countries in total emissions of greenhouse gases; and

Whereas, studies prepared by the economic forecasting group WEFA, Inc., estimate that legally binding requirements for the reduction of United States greenhouse gases below 1990 emission levels would result in the loss of more than 29,500 Colorado jobs, with the unemployment rate approaching five percent in 2010, while subjecting Colorado's citizens to higher energy, housing, medical, and food costs that would reduce Colorado tax revenue by $420 million; and

Whereas, the failure to provide for commitments by developing countries in the Kyoto Protocol creates an unfair competitive imbalance between industrial and developing nations, potentially leading to the transfer of jobs and industrial development from the United States to developing countries; and

Whereas, increased emissions of greenhouse gases by developing countries would offset any environmental benefits associated with emissions reductions achieved by the United States and by other industrial nations; now, therefore, be it

Resolved by the Senate of the Sixty-first General Assembly of the State of Colorado, the House of Representatives concurring herein:

(1) That we, the members of the General Assembly, strongly urge the President of the United States not to sign the Kyoto Protocol to the FCCC;

(2) That, if the President does sign the Kyoto Protocol, we strongly urge the United States Senate not to ratify the treaty; and

(3) That we request that no federal or state agency take any action to initiate strategies

to reduce greenhouse gases as required by the Kyoto Protocol until it is revised to include specific scheduled commitments for developing countries to mitigate greenhouse gas emissions within the same compliance period required for developed countries.

Be it further resolved, That copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of Colorado's delegation in the United States Congress.

POM–476. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Governmental Affairs.

STATE OF HAWAII,
STATE CAPITOL,
Honolulu, Hawaii, May 15, 1998.

Hon. ALBERT GORE, Jr.
Vice President, Old Executive Office Building, Washington, DC.

DEAR MR. VICE PRESIDENT: I have the honor to transmit herewith Senate Concurrent Resolution No. 172, S.D. 1, which was adopted on April 16, 1998 by the Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1998.

Sincerely yours,
PAUL T. KAWAGUCHI,
Clerk of the Senate.

Enclosure.

SENATE CONCURRENT RESOLUTION 172

Whereas, in a period of resource constraints, citizens still want to improve Hawaii's quality of life; and

Whereas, Hawaii's citizens have come together to adopt benchmarks representing public goals, and indicators of progress towards meeting those goals; and

Whereas, formation of performance partnerships with the federal government, local government, and the private sector offer the possibility of achieving results through collaborative means without additional state funds; and

Whereas, performance management requires measuring progress towards benchmarks on a regular systematic basis; and

Whereas, partners should be rewarded for success evidenced by both high performance and improved performance; and

Whereas, the federal government is exploring rewarding additional funds as an incentive to states that make improvement; and

Whereas, the federal government is exploring rewarding high performing states with additional flexibility or reduced matching requirements; and

Whereas, the Office of the Governor has invited the National Performance Review, under the direction of Vice President Al Gore, to explore mutual goals for reinventing government and improving intergovernmental service delivery; and

Whereas, National Performance Review staff visited Hawaii in November 1997 and met with community-government partnerships, legislators, and groups of concerned citizens that support a shift to measuring performance results to chart progress towards public goals; now, therefore, be it

Resolved by the Senate of the nineteenth Legislature of the State of Hawaii, Regular Session of 1998, the House of Representatives concurring, That the Office of the Governor is requested to proceed with discussions which may lead to a letter of agreement with the National Performance Review committing both the state and federal governments to explore reducing barriers to reinventing government by shifting to performance management and performance partnerships to achieve public goals; and be it further

Resolved, That the federal government be requested to assign a liaison from the National Performance Review to assist Hawaii in creating performance partnerships with communities, the non-profit sector, and the business community to improve results on achieving public goals, such as the Good Beginnings Alliance, the proposed Waipahu partnership and partnership efforts in other communities; and be it further

Resolved, That a steering committee composed of representatives nominated by the Legislature, the Hawaii Community Services Council's Ke Ala Hoku project, the Hawaii Business Roundtable, The Chamber of Commerce of Hawaii, and persons with experience in management, re-engineering of service delivery, fiscal, and governance systems, and assessment be convened to advise the governor on the goals of the National Performance Review partnership; and be it further

Resolved, That the steering committee is requested to develop plans for the following:

(1) A *results measurement system* which provides regular reports on progress towards achieving outcomes to policy makers and the public;

(2) A *performance partnership development mechanism* which convenes the stakeholders in achieving individual benchmarks to develop new program, fiscal, and governance strategies;

and be it further

Resolved, That the Governor is requested to report on the progress made in developing performance management mechanisms with the assistance of the National Performance Review twenty days prior to the start of the 1999 Legislative Session; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the Governor, Vice President Al Gore, the National Performance Review, the Aloha United Way Board of Directors, the Hawaii Community Services Council, the Hawaii Community Foundation, the Hawaii Business Roundtable, and The Chamber of Commerce of Hawaii.

POM–477. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on the Judiciary.

HOUSE CONCURRENT MEMORIAL 2009

Whereas, criminal defendants are afforded numerous federal rights and procedural protections; and

Whereas, victims of crime are not afforded any federal rights or protections; and

Whereas, the people of this state believe in the individual rights and liberties of all persons and have amended the Constitution of Arizona to provide crime victims with rights.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States propose to the people an amendment to the Constitution of the United States that provides rights to crime victims and that embodies the following principles:

(a) The right to be informed of and not excluded from any public proceedings relating to the crime.

(b) The right to be heard regarding any release from custody and to consideration for the safety of the victim in determining any release.

(c) The right to be heard regarding the acceptance of any negotiated plea or sentence.

(d) The right to receive notice of release or escape.

(e) The right to a trial that is free from unreasonable delay.

(f) The right to restitution.

(g) The right to receive notice of victims' rights.

2. That any amendment to the Constitution of the United States to establish rights for crime victims grant standing to victims of crime to assert all rights established by the Constitution.

3. That the state legislature have the power to implement and enforce the rights in the Arizona criminal justice system.

4. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–478. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary.

ASSEMBLY JOINT RESOLUTION NO. 66

Whereas, during World War II, the United States government orchestrated, financed, and directed the mass arrest and deportation of 2,264 men, women, and children of Japanese ancestry from various Latin American countries to United States internment camps, according to a 1983 Congressional report; and

Whereas, the United States government carried out this program to use these civilians in prisoner exchanges for Americans held by the Japanese during the war; and

Whereas, twelve Latin American governments—Bolivia, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama, and Peru—supported this mass arrest and deportation; and

Whereas, in violation of basic human rights, the United States abducted those persons without charges, hearings, or any kind of due process and forcibly transported them to Immigration and Naturalization Service detention facilities in a country and culture foreign to them, far away from their homes; and

Whereas, over 860 Japanese Latin Americans were sent to Japan in prisoner-of-war exchanges, while about 1,400 remained incarcerated in United States internment camps until the end of the war; and

Whereas, Congress passed the Civil Liberties Act of 1988 (50 U.S.C. Sec. 1989 et seq.), which provided an official apology and restitution to Japanese American internees; and

Whereas, The Japanese Latin American internees and their families seek the same official apology and restitution provided the Japanese American internees; and

Whereas, the Japanese Latin American internees and their families seek the United States government's acknowledgment of this tragic and largely unknown experience; and

Whereas, a federal class action lawsuit was filed on August 28, 1996, challenging the denial of redress to the Japanese Latin American internees and their families under the Civil Liberties Act of 1988; and

Whereas, more than 80 Members of Congress from across the country have publicly expressed their support for redress for the Japanese Latin American internees; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California supports the granting of an official apology and restitution to World War II Japanese Latin American internees pursuant to federal law; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–479. A concurrent resolution adopted by the Legislature of the State of Oklahoma; to the Committee on the Judiciary.

Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

Whereas, under the United States Constitution, the states are to determine public policy; and

Whereas, it is the duty of the judiciary to interpret the law, not to create law; and

Whereas, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with the federal courts' interpretation of federal law; and

Whereas, the federal courts have strayed from the intent of our founding fathers and the United States Constitution through inappropriate judicial tax mandates; and

Whereas, these mandates by way of judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

Whereas, these court actions violate the United States Constitution and the legislative process; and

Whereas, the time has come for the people of this great nation and their duly elected representatives in state government to reaffirm, in no uncertain terms, that the authority to tax under the United States Constitution is retained by the people who, by their consent alone, do delegate such power to tax explicitly to themselves or those duly elected representatives being directly responsible and accountable to those who have elected them; and

Whereas, several states have petitioned the United States Congress to propose an amendment to the United States Constitution; and

Whereas, the amendment was previously introduced in the United States Congress; and

Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes: Now, therefore, be it

Resolved by the Senate of the 2nd session of the 46th Oklahoma Legislature, the House of Representatives concurring therein, That the United States Congress prepare and submit to the several states an amendment to the United States Constitution to add a new article providing as follows:

''Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or a political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes.''

That the Secretary of State is hereby directed to distribute copies of this resolution to the President and Vice President of the United States, the Presiding Officer in each house of the legislature in each of the states of the Union, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate and to each member of the States of Oklahoma Congressional Delegation.

POM–480. A resolution adopted by the Legislature of the Commonwealth of Pennsylvania; to the Committee on Labor and Human Resources.

HOUSE RESOLUTION NO. 443

Whereas, it is estimated that 26,800 new cases of ovarian cancer developed in the United States in 1997; and

Whereas, ovarian cancer caused approximately 14,200 deaths in 1997; and

Whereas, ovarian cancer ranks second among gynecological cancers in the number of new cases each year and causes more deaths than any other cancer of the female reproductive system; and

Whereas, approximately 78% of ovarian cancer patients survive longer than one year after diagnosis and more than 46% of these patients survive longer than five years after diagnosis; and

Whereas, if diagnosed and treated before the cancer spreads outside of the ovary, the five-year survival rate is 92%, but approximately only 24% of all cases of ovarian cancer is detected at this stage; and

Whereas, ovarian cancer research is desperately needed to serve as encouragement to more women to undergo screening tests earlier as well as to reduce the medical costs associated with later discovery; and

Whereas, H.R. 953 in the House of Representatives of the United states, to be known as the Ovarian Cancer Research and Information Amendments of 1997, would authorize $90 million to conduct ovarian cancer research; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President of the United States and the Congress of the United States to enact H.R. 953, the Ovarian Cancer Research and Information Amendments of 1997; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ALLARD (for himself, Mr. BROWNBACK, and Mr. DEWINE):

S. 2170. A bill to amend the Internal Revenue Code of 1986 to eliminate the temporary increase in unemployment tax; to the Committee on Finance.

By Mr. BUMPERS:

S. 2171. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas; to the Committee on Energy and Natural Resources.

By Mr. GREGG (for himself and Mr. STEVENS):

S. 2172. A bill to authorize the National Fish and Wildlife Foundation to establish a whale conservation fund, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOND:

S. 2173. A bill to amend the Rehabilitation Act of 1973 to provide for research and development of assistance technology and universally designed technology, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM:

S. 2174. A bill to amend the Wagner-Peyser Act to clarify that nothing in that Act shall prohibit a State from using individuals other than merit-staffed of civil service employees of the State (or any political subdivision thereof) in providing employment services under that Act; to the Committee on Labor and Human Resources.

By Mr. CRAIG:

S. 2175. A bill to safeguard the privacy of certain identification records and name checks, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMPSON (for himself, Mr. BYRD, Mr. THURMOND, Mr. LOTT, and Mr. ROTH):

S. 2176. A bill to amend sections 3345 through 3349 of title 5, United States Code (commonly referred to as the ''Vacancies Act'' to clarify statutory requirements relating to vacancies in and appointments to certain Federal offices, and for other purposes; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 2177. A bill to express the sense of the Congress that the President should award a Presidential unit citation to the final crew of the U.S.S. INDIANAPOLIS, which was sunk on July 30, 1945; to the Committee on Armed Services.

By Mr. KOHL (for himself and Mr. D'AMATO):

S. 2178. A bill to amend the National Housing Act to authorize the Secretary of Housing and Urban Development to insure mortgages for the acquisition, construction, or substantial rehabilitation of child care and development facilities and to establish the Children's Development Commission to certify such facilities for such insurance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MOSELEY-BRAUN:

S. 2179. A bill to amend the International Emergency Economic Powers Act to clarify the conditions under which export controls may be imposed on agricultural products; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. 2180. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated;

By Ms. MOSELEY-BRAUN (for herself and Mr. DURBIN):

S. Res. 249. A resolution to congratulate the Chicago Bulls on winning the 1998 National Basketball Association Championship; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLARD (for himself, Mr. BROWNBACK, AND MR. DEWINE):

S. 2170. A bill to amend the Internal Revenue Code of 1986 to eliminate the temporary increase in unemployment tax; to the Committee on Finance.

LEGISLATION TO REPEAL TEMPORARY UNEMPLOYMENT TAX

Mr. ALLARD. Mr. President, today I introduce legislation to repeal the ''temporary'' 0.2 percent Federal Unemployment Tax (FUTA) surtax.

The ''temporary'' surtax was enacted by Congress in 1976 to repay the general fund of the Treasury for funds borrowed by the unemployment trust fund. While the borrowings were repaid in 1987, Congress has continued to extend the surtax in tax bill after tax bill.

Since 1987, Congress has used extension of the surtax to help pay for tax packages. In fact, the surtax was most recently extended to help pay for the 1997 tax bill.

This is unfair to small business which has been told repeatedly that the surtax was temporary and would be

repealed when it was no longer needed to finance the unemployment tax system.

The reason for the FUTA surtax no longer exists. The economy is experiencing the highest level of employment in decades, and all state unemployment funds have surpluses.

It is inappropriate for the government to continue to raise surplus unemployment taxes and use those surpluses for purposes totally unrelated to the unemployment tax system.

The FUTA surtax hits small businesses hardest because they are often labor intensive. Any payroll tax is added directly to the employer's payroll costs, and payroll taxes must be paid whether the business has a profit or loss.

Mr. President, prior to my election to the House of Representatives in 1990, I ran a small business. I am well aware of payroll taxes and the burden that they can place on a business.

The unemployment surtax was in place when I ran my small business.

I suspect that my view of the surtax is similar to the view of most small business owners. It is one thing to have a surtax when unemployment is high. It is totally unjustified when unemployment is at the lowest level in three decades.

What really upsets small business owners is the fact that the government is breaking its commitment that the surtax would be temporary. This is not the way the federal government should do business.

Repeal of the 0.2 percent surtax will reduce the tax burden on employers and workers by $6 billion over the next five years.

Lower payroll taxes mean higher wages for workers. While the employer appears to fully pay the unemployment surtax and other payroll taxes, the economic evidence is strong that the cost of payroll taxes is passed on to workers in form of lower wages.

Consistent tax relief will help to ensure that our economy remains the strongest and most competitive in the world. Low taxes reduce unemployment and help ensure that future surtaxes are unnecessary.

Mr. President, I ask that the text of the bill be printed in the RECORD along with several charts showing the level of State Unemployment System Reserves from 1991–1997.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 2170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF TEMPORARY UNEMPLOYMENT TAX.

Section 3301 of the Internal Revenue Code of 1986 (relating to rate of unemployment tax) is amended—

(1) by striking ''2007'' in paragraph (1) and inserting ''1998'';and

(2) by striking ''2008'' in paragraph (2) and inserting ''1999''.

STATE UNEMPLOYMENT COMPENSATION SYSTEM RESERVES AND RATIO OF RESERVES TO TOTAL WAGES BY STATE AND YEAR, 1991–1995

State	Net reserves as of Dec. 31 of each year (thousands)					Ratio of year-end reserves to total wages (percent)				
	1995	1994	1993	1992	1991	1995	1994	1993	1992	1991
Alabama	$534,470	$551,842	$570,118	$550,280	$585,725	1.61	1.77	1.94	1.96	2.24
Alaska	201,017	210,563	227,911	232,320	243,155	3.56	3.81	4.32	4.57	4.98
Arizona	534,640	432,449	368,782	372,423	437,667	1.48	1.33	1.26	1.36	1.71
Arkansas	200,866	169,795	134,432	81,340	103,629	1.12	1.02	0.87	0.55	0.76
California	2,104,220	2,092,695	2,450,402	2,786,713	4,190,197	0.68	0.72	0.87	0.99	1.52
Colorado	480,582	434,482	390,435	339,246	312,036	1.22	1.21	1.15	1.10	1.09
Connecticut	116,692	3,311	1,062	(653,215)	(353,767)	0.27	0.01	0.00	0.00	0.00
Delaware	271,807	244,013	225,943	218,719	223,685	3.24	3.14	3.05	3.04	3.20
District of Columbia	68,636	41,141	5,937	(19,286)	12,465	0.57	0.35	0.05	0.00	0.12
Florida	1,806,432	1,621,614	1,505,570	1,443,603	1,691,814	1.53	1.47	1.45	1.47	1.84
Georgia	1,453,118	1,281,507	1,094,999	965,870	962,324	2.03	1.95	1.79	1.68	1.81
Hawaii	213,496	232,859	310,155	362,123	420,991	2.07	2.26	3.01	3.57	4.39
Idaho	243,090	245,096	247,823	240,141	243,573	2.88	3.14	3.49	3.67	4.09
Illinois	1,629,210	1,247,066	851,918	847,622	1,172,283	1.22	0.99	0.71	0.74	1.08
Indiana	1,228,070	1,132,343	1,024,658	941,632	899,139	2.16	2.11	2.05	1.99	2.02
Iowa	725,149	708,450	655,066	615,474	594,626	3.10	3.23	3.20	3.16	3.27
Kansas	704,008	735,717	658,053	605,827	571,904	2.77	3.20	3.03	2.89	2.91
Kentucky	470,826	425,682	402,311	364,287	357,940	1.61	1.55	1.57	1.49	1.58
Louisiana	1,003,378	868,819	689,382	600.917	559,975	3.15	2.92	2.47	2.22	2.15
Maine	95,289	74,621	51,403	35,108	77,553	1.06	0.87	0.62	0.44	1.01
Maryland	605,415	408,994	219,071	145,839	224,970	1.36	0.96	0.54	0.37	0.59
Massachusetts	527,273	184,933	(115,987)	(379,918)	(234,742)	0.70	0.26	0.00	0.00	0.00
Michigan	1,497,688	866,906	364,530	(72,492)	(166,509)	1.45	0.90	0.42	0.00	0.00
Minnesota	459,621	369,776	257,584	224,091	309,473	0.94	0.80	0.59	0.54	0.80
Mississippi	551,318	490,392	410,259	345,352	348,593	3.19	2.98	2.74	2.48	2.69
Missouri	196,933	118,466	(7,749)	3,101	199,473	0.40	0.26	0.00	0.01	0.30
Montana	122,242	110,910	104,415	96,370	91,119	2.08	1.95	1.91	1.87	1.91
Nebraska	194,283	188,365	171,938	160,713	146,184	1.45	1.51	1.49	1.46	1.42
Nevada	297,866	289,804	238,398	233,667	295,919	1.69	1.70	1.68	1.79	2.46
New Hampshire	250,884	211,580	164,455	129,582	127,995	2.25	2.06	1.71	1.38	1.46
New Jersey	1,987,790	1,947,033	1,965,236	2,439,970	2,564,278	2.06	2.12	2.23	2.86	3.16
New Mexico	354,874	317,264	271,194	238,999	220,932	3.25	3.13	2.91	2.77	2.73
New York	248,978	190,467	129,409	213,914	1,191,450	0.12	0.10	0.07	0.12	0.69
North Carolina	1,531,117	1,555,329	1,514,674	1,387,170	1,373,719	2.27	2.49	2.60	2.52	2.70
North Dakota	57,415	58,641	56,267	50,306	50,914	1.41	1.55	1.59	1.51	1.64
Ohio	1,600,533	1,166,837	845,054	602,464	647,410	1.46	1.13	0.88	0.65	0.74
Oklahoma	521,683	474,866	437,800	418,907	426,398	2.32	2.21	2.13	2.10	2.24
Oregon	905,985	994,533	1,096,695	1,054,524	1,043,810	3.21	3.86	4.63	4.71	4.98
Pennsylvania	1,914,777	1,518,999	1,105,425	807,828	1,155,988	1.78	1.48	1.12	0.84	1.26
Puerto Rico	634,291	674,663	730,873	749,255	750,020	6.71	7.54	8.39	9.05	9.64
Rhode Island	110,086	119,262	119,294	104,498	143,617	1.33	1.51	1.56	1.41	2.03
South Carolina	556,650	502,237	467,494	433,442	455,097	1.84	1.79	1.77	1.73	1.92
South Dakota	51,622	51,208	49,773	50,416	49,701	1.09	1.16	1.23	1.34	1.45
Tennessee	822,821	747,477	672,261	603,130	612,653	1.66	1.62	1.58	1.50	1.67
Texas	584,866	480,322	445,633	586,472	942,734	0.34	0.30	0.30	0.41	0.69
Utah	468,030	411,411	366,524	342,146	327,893	2.93	2.86	2.82	2.83	2.96
Vermont	206,720	195,418	183,025	180,730	192,675	4.51	4.51	4.37	4.49	5.05
Virginia	788,787	658,588	553,441	506,641	591,166	1.27	1.13	1.01	0.97	1.19
Virgin Islands	40,064	40,843	51,575	47,416	43,241	6.86	6.67	6.60	7.32	7.31
Washington	1,417,701	1,565,417	1,743,146	1,766,006	1,707,604	2.93	3.45	4.05	4.18	4.40
West Virginia	164,036	161,671	154,512	140,517	157,124	1.44	1.47	1.49	1.38	1.62
Wisconsin	1,503,641	1,400,119	1,241,918	1,194,553	1,171,822	3.06	3.03	2.87	2.90	3.07
Wyoming	142,310	136,755	127,332	109,826	98,952	4.22	4.15	4.08	3.71	3.48
Total	35,403,296	31,343,551	28,187,816	27,111,772	31,494,605	1.40	1.32	1.25	1,25	1.49

Difference between detail and totals due to rounding 1995 data subject to revision. Ratio of reserves to wages not calculated for States with negative balances.

Source: U.S. Department of Labor. Prepared by the National Foundation for U.C. & W.C., June 1997.

FINANCIAL INFORMATION BY STATE FOR CY96.4, 1996

State	Revenue (12 mos) (in thousands)	TF Balance (in thousands)	Mos. in TF	Total loans (in thousands)	Loans/ cov. employee
United States	$23,009,990	$38,631,922	21.3	$0	$0.00

FINANCIAL INFORMATION BY STATE FOR CY96.4, 1996—Continued

State	Revenue (12 mos) (in thousands)	TF Balance (in thousands)	Mos. in TF	Total loans (in thousands)	Loans/ cov. employee
Alabama	134,029	483,472	27.3	0	0.00
Alaska	109,089	194,188	19.8	0	0.00
Arizona	223,143	627,059	46.3	0	0.00
Arkansas	169,670	202,784	13.0	0	0.00
California	3,590,823	2,877,452	11.7	0	0.00
Colorado	187,897	510,956	32.5	0	0.00
Connecticut	592,538	277,861	7.4	0	0.00
Delaware	68,409	258,468	31.9	0	0.00
Dist. of Colum.	133,380	99,368	12.2	0	0.00
Florida	677,796	1,947,557	35.2	0	0.00
Georgia	382,294	1,634,073	67.0	0	0.00
Hawaii	179,540	211,267	13.3	0	0.00
Idaho	105,900	266,228	32.1	0	0.00
Illinois	1,199,050	1,638,560	15.2	0	0.00
Indiana	238,343	1,273,086	58.0	0	0.00
Iowa	133,905	718,845	45.9	0	0.00
Kansas	42,487	651,074	52.6	0	0.00
Kentucky	234,997	501,304	25.7	0	0.00
Louisana	204,469	1,131,052	94.7	0	0.00
Maine	122,601	112,122	12.5	0	0.00
Maryland	421,722	690,786	22.9	0	0.00
Massachusetts	1,130,136	914,631	14.0	0	0.00
Michigan	1,233,803	1,830,928	21.8	0	0.00
Minnesota	386,523	513,033	16.4	0	0.00
Mississippi	99,520	553,222	50.0	0	0.00
Missouri	381,576	307,507	12.8	0	0.00
Montana	58,841	125,900	24.9	0	0.00
Nebraska	41,748	195,210	44.8	0	0.00
Nevada	177,064	348,278	28.6	0	0.00
New Hampshire	41,781	268,011	91.7	0	0.00
New Jersey	1,448,896	2,028,818	18.1	0	0.00
New Mexico	85,729	385,531	59.6	0	0.00
New York	2,211,440	470,400	2.8	0	0.00
North Carolina	113,075	1,335,565	39.6	0	0.00
North Dakota	24,364	50,072	19.1	0	0.00
Ohio	781,640	1,750,968	28.8	0	0.00
Oklahoma	128,728	563,895	64.3	0	0.00
Oregon	384,046	941,419	28.9	0	0.00
Pennsylvania	1,612,406	2,031,947	14.9	0	0.00
Puerto Rico	149,262	595,703	31.8	0	0.00
Rhode Island	184,004	116,240	7.4	0	0.00
South Carolina	208,829	603,410	36.2	0	0.00
South Dakota	12,291	49,542	39.9	0	0.00
Tennessee	284,220	826,526	30.8	0	0.00
Texas	1,014,460	642,233	7.7	0	0.00
Utah	96,262	523,880	89.2	0	0.00
Vermont	48,595	218,259	49.5	0	0.00
Virginia	260,890	897,198	55.4	0	0.00
Virgin Islands	9,345	42,069	51.5	0	0.00
Washington	644,606	1,332,508	19.7	0	0.00
West Virginia	130,182	157,345	12.8	0	0.00
Wisconsin	445,248	1,556,922	37.2	0	0.00
Wyoming	28,401	147,087	54.0	0	0.00

FINANCIAL INFORMATION BY STATE FOR CYQ, 1997

State	Revenues, last 12 months (in thousands)	TF balance (in thousands)	TF as percent of total wages [1]
Alabama	$140,978	$451,425	1.21
Alaska	131,645	202,416	3.46
Arizona	224,651	741,050	1.70
Arkansas	183,101	204,319	1.03
California	3,367,845	3,737,815	1.05
Colorado	198,748	574,413	1.22
Connecticut	637,125	532,692	1.06
Delaware	75,692	279,173	2.86
District of Col.	132,481	135,627	0.94
Florida	685,668	2,090,222	1.55
Georgia	350,964	1,797,102	2.13
Hawaii	186,510	216,658	2.04
Idaho	99,412	280,382	3.00
Illinois	1,226,328	1,742,968	1.16
Indiana	268,016	1,362,463	2.15
Iowa	144,156	727,327	2.79
Kansas	46,633	606,735	2.16
Kentucky	269,075	571,366	1.71
Louisiana	213,963	1,275,668	3.55
Maine	118,089	136,019	1.35
Maryland	349,967	720,552	1.42
Massachusetts	1,222,144	1,446,164	1.64
Michigan	1,184,719	2,222,714	1.93
Minnesota	398,707	564,628	0.98
Mississippi	166,992	563,901	2.95
Missouri	381,802	417,706	0.75
Montana	65,306	135,604	2.11
Nebraska	57,932	205,727	1.33
Nevada	224,837	387,888	1.79
New Hampshire	26,426	278,296	2.16
New Jersey	1,459,837	2,384,916	2.21
New Mexico	99,244	431,159	3.61
New York	2,402,806	990,176	0.43
North Carolina	253,942	1,301,184	1.67
North Dakota	26,246	38,057	0.83
Ohio	719,622	1,874,943	1.53
Oklahoma	107,585	608,942	2.36
Oregon	462,961	1,068,843	3.13
Pennsylvania	1,587,542	2,253,703	1.87
Puerto Rico	203,816	586,659	5.30
Rhode Island	248,423	160,044	1.78
South Carolina	219,733	687,060	2.02
South Dakota	14,186	48,939	0.91
Tennessee	296,749	847,842	1.52
Texas	1,014,596	706,577	0.35
Utah	97,876	572,849	2.97

FINANCIAL INFORMATION BY STATE FOR CYQ, 1997—Continued

State	Revenues, last 12 months (in thousands)	TF balance (in thousands)	TF as percent of total wages [1]
Vermont	50,047	233,537	4.59
Virgin Islands	7,693	45,434	6.82
Virginia	222,448	979,376	1.35
Washington	810,440	1,447,195	2.42
West Virginia	139,030	165,917	1.37
Wisconsin	475,595	1,632,214	2.95
Wyoming	31,217	158,573	4.26
United States	23,731,544	43,833,157	1.51

[1] Based on estimatd wages for the most recent 12 months.

By Mr. BOND:

S. 2173. A bill to amend the Rehabilitation Act of 1973 to provide for research and development of assistance technology and universally designed technology, and for other purposes; to the Committee on Labor and Human Resources.

ASSISTIVE AND UNIVERSALLY DESIGNED TECHNOLOGY IMPROVEMENT ACT FOR INDIVIDUALS WITH DISABILITIES

Mr. BOND. Mr. President, today I am introducing a bill which will improve assistive and universally designed technology research and development and increase access to this technology for all Americans with disabilities.

Assistive and universally designed technology provides a disabled individual the means to function better in the workplace or the home. Assistive and universally designed technology is technology that aids the millions of Americans with physical or mental disabilities. For example, assistive technology can mean a computer that can be used by an individual with Cerebral Palsy, a hearing aid for an aging individual or enhanced voice recognition for someone with Multiple Sclerosis, while universally designed technology can mean closed captioning for the deaf or for patrons in crowded restaurants and accessability ramps for individuals in wheelchairs or mothers with strollers.

A year ago my office was approached by a small business owner and Missouri's United Cerebral Palsy asking for support for testing of a breakthrough in Voice Recognition technology. During my search to find an appropriate place for funding for this voice recognition technology, my staff and I became familiar with the overall government efforts in this area.

There are many significant problems in the federal government's efforts in assistive technology research and development. My finding's were validated by a recent report from the National Academy of Sciences' Institute of Medicine, ''Enabling America: Assessing the Role of Rehabilitation Science and Engineering,'' which stressed that the federal government's efforts in this area are lacking awareness, funding, and coordination.

My distinguished colleague in the House, Congresswoman CONNIE MORELLA, Chairwoman of the House Science's Subcommittee on Technology, joins me today in introducing the Assistive and Universally Designed Technology Improvement Act for Individuals with Disabilities.

The Act provides federally supported incentives in all areas of assistive and universally designed technology, including need identification, research and development, product evaluation, technology transfer, and commercialization. These incentives achieve the goal of improving the quality, functional capability, distribution, and affordability of this essential technology.

This legislation does several things.

First, the bill includes an improved peer review process at the National Institute on Disability Research and Rehabilitation (NIDRR) at the Department of Education. This provision requires standing peer review panels and clarifies the evaluation of applications for funding of assistive and universally designed technology. These improvements provide more assistive and universally designed technology products to the marketplace, increase small business involvement in research and development, and assure research and development efforts cover all disability groups including persons with physical and mental disabilities as well as the aging and rural technology users.

Second, the legislation augments technology transfer through improving the role of the Interagency Committee on Disability Research (ICDR) by increasing its authority, accountability and ability to coordinate. Provisions are included for increased usage of the Federal labs to improve coordination with all Federal agencies involved in assistive and universally designed technology research and development and for providing public and private sector partnerships for assistive and universally designed technology research and development.

Third, to increase the market for assistive technology, the bill clarifies Title III of the Tech Act for the Microloan program. This microloan program assists disabled persons in obtaining assistive and universally designed technology.

Fourth, funds are authorized for the Interagency Committee on Disability Research to hire staff and for operating costs associated with issuing surveys and reports. Additionally, $10 million in funds are authorized for the National Institute on Disability Research and Rehabilitation to provide for assistive and universally designed technology research and development.

Finally, to increase access to assistive and universally designed technology, tax incentives are included to provide businesses a tax credit for the development of assistive technology, to expand the architectural and transportation barrier removal deduction to include communication barriers, and to expand the work opportunity credit to include expenses incurred in the acquisition of technology to facilitate the employment of any individual with a disability.

These tax incentives and micro loans will assist individuals with disabilities to obtain assistive and universally designed technology in order to improve their quality of life, to secure and maintain employment, and to assist small businesses in complying with Americans with Disabilities Act requirements, which in effect, results in lessened financial burdens on society.

As technology increasingly plays a role in the lives of all persons in the United States, in the conduct of business, in the functioning of government, in the fostering of communication, in the transforming of employment, and in the provision of education, it also greatly impacts the lives of the more than 50 million individuals with disabilities in the United States.

An agenda, including support for universal design, represents the only effective means for guaranteeing the benefits of technology to all persons in the United States, regardless of disability or age, in addition to assuring for United States industry the continued growth in markets that will warrant continued high levels of innovation and research.

This legislation has the support of many organizations, including: The Missouri Assistive Technology Advisory Council, the United Cerebral Palsy Association, the Rehabilitation Engineering and Assistive Technology Society of North America, the National Easter Seal Society, and the Association of Tech Act Projects.

The bill also has broad bipartisan and bicameral support. My colleagues, Senator JEFFORDS, Senator HARKIN, Senator GRASSLEY, and Congresswoman CONNIE MORELLA have been very helpful in my efforts to improve the role of the federal government in assistive and universally designed technology.

Let me conclude by taking special note of the help of the National and Missouri United Cerebral Palsy, as well as the Missouri Assistive Technology Project, the Federal Laboratory Consortium, and the numerous assistive and universally designed technology and disability community advocate organizations, for their assistance in developing and advocating this legislation.

Mr. President, I ask unanimous consent that the bill, the amendment I submit today, and letters of support be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 2173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Assistive and Universally Designed Technology Improvement Act for Individuals with Disabilities''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The area of assistive technology is greatly overlooked by the Federal Government and the private sector. While assistive technology's importance spans age and disability classifications, assistive technology does not maintain the recognition in the Federal Government necessary to provide important assistance for research and development programs or to individuals with disabilities. The private sector lacks adequate incentives to produce assistive technology, and end-users lack adequate resources to acquire assistive technology.

(2) As technology has come to play an increasingly important role in the lives of all persons in the United States, in the conduct of business, in the functioning of government, in the fostering of communication, in the conduct of commerce, in the transformation of employment, and in the provision of education, technology's impact upon the lives of the more than 50,000,000 individuals with disabilities in the United States has been comparable to technology's impact upon the remainder of our Nation's citizens. No development in mainstream technology can be imagined that will not have profound implications for individuals with disabilities.

(3) In a technological environment, the line of demarcation between assistive and mainstream technology becomes ever more difficult to draw, and the decisions made by the designers of mainstream equipment and services will increasingly determine whether and to what extent the equipment and services can be accessed and used by individuals with disabilities.

(4) A commitment to assistive technology, while remaining important, cannot alone ensure access to technology and communications networks by individuals with disabilities. An agenda, including support for universal design, represents the only effective means for guaranteeing the benefits of technology to all persons in the United States, regardless of disability or age, and for assuring for United States industry the continued growth in markets that will warrant continued high levels of innovation and research.

(5) The Federal Government needs to make improvements to peer review processes that affect assistive technology research and development.

(6) There are insufficient links between federally funded assistive technology research and development programs and the private sector entities responsible for translating research and development into significant new products in the marketplace for end-users.

(7) The Federal Government does not provide assistive technology that is universally designed and targets older and rural assistive technology end-users.

(8) The Federal Government does not coordinate all Federal assistive technology research and development.

(9) Small businesses, which provide many innovative ideas for assistive technology and provide the vast majority of research and development efforts that lead to viable commercial assistive technology products, are not utilized in Federal assistive technology research and development efforts to the extent that small businesses may play a key role in assistive technology research and development. In addition, small businesses lack access to the resources of the Federal laboratories and would benefit from partnerships with the Federal laboratories.

(10) Many more individuals with disabilities could secure and maintain employment and move from income supports to competitive work if given the ability to purchase assistive technology. Tax incentives for businesses to purchase assistive technology for

their employees, and micro loans for individuals to purchase assistive technology, help individuals with disabilities improve their quality of life. Such incentives and loans lead to more productive lives, while lessening the financial burdens on society.

SEC. 3. PURPOSE.

The purposes of this Act are—

(1) to improve the quality, functional capability, distribution, and affordability of assistive technology and universally designed technology, through federally supported incentives for all the participants in need identification, research and development, product evaluation, technology transfer, and commercialization, for such technologies, to enhance quality of life and ability to obtain employment for all individuals with disabilities;

(2) to clarify the role of the National Institute on Disability and Rehabilitation Research at the Department of Education so as to provide for better peer reviews;

(3) to improve coordination of Federal assistive technology research and development by strengthening the Interagency Committee on Disability Research;

(4) to prioritize assistive technology research, development, and dissemination efforts to match the needs of the underserved assistive technology end-users such as older and rural end-users;

(5) to increase the use of universal design in the commercial development of standard products;

(6) to incorporate the principles of universal design in the development of assistive technology;

(7) to increase usage of the Small Business Innovative Research Program as defined in section 9(e) of the Small Business Act (15 U.S.C. 638(e));

(8) to improve coordination between the Federal laboratories and the members of the Interagency Committee on Disability Research;

(9) to improve the transfer of technology from mission-oriented applications in Federal laboratories to assistive technology applications in research and development programs, and to transfer prototype assistive technology products from federally sponsored programs to the private sector;

(10) to increase the availability of assistive technology products and universally designed technology products in the marketplace for the end-users; and

(11) to create tax incentives and micro loans to assist individuals with disabilities to obtain assistive technology and universally designed technology in order to improve their quality of life and to secure and maintain employment.

SEC. 4. PEER REVIEW PROCESS.

Title II of the Rehabilitation Act of 1973 (29 U.S.C. 761a et seq.) is amended by adding at the end the following:

''SEC. 206. PEER REVIEW PROCESS.

''(a) PEER REVIEW PANELS.—

''(1) COMPOSITION.—

''(A) IN GENERAL.—The Director shall establish a peer review process, involving peer review panels composed of members appointed by the Director, for the review of applications for grants, contracts, or cooperative agreements under this title for research and development of assistive technology and universally designed technology.

''(B) DURATION.—The members of such a peer review panel shall serve for terms of 3 years, except that the members initially appointed may serve for shorter terms.

''(C) MEMBER TERMS.—Members of a peer review panel shall serve staggered terms so as to provide for institutional memory and experience at all times.

''(D) SELECTION AND APPOINTMENT.—

''(i) IN GENERAL.—Members of peer review panels shall be selected and appointed based upon their training and experience in relevant scientific or technical fields, taking into account, among other factors—

''(I) the level of formal scientific or technical education completed or experience acquired by an individual;

''(II) the extent to which the individual has engaged in relevant research, the capacities (such as principal investigator or assistant) in which the individual has so engaged, and the quality of such research;

''(III) the recognition of the individual, as reflected by awards and other honors received from scientific and professional organizations outside the Department of Education; and

''(IV) the need for a panel to include experts from various areas or specializations within the fields of assistive technology and universally designed technology.

''(ii) SPECIAL RULES.—To the extent practicable, the peer review panels shall have, collectively, a significant number of members who are individuals with disabilities, and the members of the panels shall reflect the population of the United States as a whole in terms of gender, race, and ethnicity.

''(E) OFFICERS AND EMPLOYEES OF THE FEDERAL GOVERNMENT.—Not more than ¼ of the members of any peer review panel may be officers or employees of the Federal Government. For purposes of the preceding sentence, an individual who is a member of a peer review panel shall not, by virtue of such service, be considered to be an officer or employee of the Federal Government.

''(2) CONFLICT OF INTEREST.—

''(A) IN GENERAL.—No member of a peer review panel may participate in or be present during any review by the peer review panel of an application for a grant, contract, or cooperative agreement, in which, to the member's knowledge, any of the following has a financial interest:

''(i) The member of the panel or the member's spouse, parent, child, or business partner.

''(ii) Any organization with which the member or the member's spouse, parent, child, or business partner is negotiating or has any arrangement concerning employment or any other similar association.

''(B) DISQUALIFIED PANEL.—In the event any member of a peer review panel or the member's spouse, parent, child, or business partner is currently, or is expected to be, the principal investigator or a member of the staff responsible for carrying out any research or development activities described in an application for a grant, contract, or cooperative agreement, the Secretary shall disqualify the panel from reviewing the application and ensure that the review will be conducted by another peer review panel with the expertise to conduct the review. If there is no other panel with the requisite expertise, the Secretary shall ensure that the review will be conducted by an ad hoc panel of members of the peer review panels, not more than 50 percent of whom may be from the disqualified panel.

''(C) PROHIBITION.—No member of a peer review panel may participate in or be present during any review under this title of a specific application for a grant, contract, or cooperative agreement for an activity for which the member has had or is expected to have any other responsibility or involvement (either before or after the grant, contract, or cooperative agreement was awarded for the activity) as an officer or employee of the Federal Government.

''(3) AVAILABILITY OF INFORMATION.—Transcripts, minutes, and other documents made available to or prepared for or by a peer review panel shall be available for public inspection and copying to the extent provided in section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act'), the Federal Advisory Committee Act (5 U.S.C. App.), and section 552a of title 5, United States Code (commonly known as the 'Privacy Act of 1974').

''(4) EVALUATION OF APPLICATION.—A peer review panel shall—

''(A) evaluate applications for grants, contracts, or cooperative agreements under this title with respect to research and development of assistive technology and universally designed technology to assure duplication of such research and development does not occur across Federal departments and agencies; and

''(B) evaluate the applications with respect to meeting immediate needs for research and development of assistive technology and universally designed technology in the disabled community (as identified in data collected by the Interagency Committee on Disability Research), through criteria that will ensure the effectiveness of the priorities of the Interagency Committee for such research and development.

''(5) APPLICATION REVIEW CRITERIA.—In carrying out a review of an application for a grant, contract, or cooperative agreement with respect to research and development of assistive technology or universally designed technology under this section, the peer review panel, among other factors, shall take into account—

''(A) the need for research and development of assistive technology and universally designed technology that facilitates individuals with disabilities obtaining employment;

''(B) the need to allocate amounts of assistance through grants, contracts, or cooperative agreements for research and development of assistive technology and universally designed technology in a manner proportionate to need for assistive technology and universally designed technology, and proportionate to the population of disability groups, including individuals with physical disabilities, individuals with cognitive disabilities, older individuals with disabilities, and rural assistive technology and universally designed technology end-users;

''(C) the significance and originality from a scientific or technical standpoint of the goals of the proposed research and development;

''(D) the adequacy of the methodology proposed to carry out the research and development;

''(E) the qualifications and experience of the proposed principal investigator and staff for the research and development;

''(F) the reasonable availability of resources necessary to the research and development;

''(G) the reasonableness of the proposed budget and the duration in relation to the proposed research and development;

''(H) if an application involves activities that may have an adverse effect upon humans, animals, or the environment, the adequacy of the proposed means for protecting against or minimizing such effects;

''(I) the extent to which appropriate measures will be taken to advance the cause of universal design through proposed assistive technology research and development, including the extent to which the applicant has reviewed a variety of existing measures (as of the date of the review) on the part of the designers and producers of assistive technology and the providers of related services to produce universally designed technology;

''(J) the extent to which efforts shall be made to include small businesses in the proposed research and development of assistive

technology or universally designed technology through increased usage of the Small Business Innovative Research Program as defined in section 9(e) of the Small Business Act (15 U.S.C. 638(e));

''(K) the extent to which the proposed research and development of assistive technology or universally designed technology will result in the production of actual products for the marketplace for assistive technology or universally designed technology end-users;

''(L) the extent to which the applicant identifies secondary benefits or applications of the assistive technology or universally designed technology involved, or agrees to make matching contributions (in cash or in kind, fairly evaluated) toward the cost of the research and development, in partnership with representatives of industry, government, and educational institutions; and

''(M) the extent to which proposed research and development of universally designed technology will result in a change in design of standard products, so that the products are more usable by a broad range of individuals with disabilities or older individuals.

''(6) COMPENSATION.—Each member of a peer review panel who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the panel. All members of the panel who are officers or employees of the Federal Government shall serve without compensation in addition to compensation received for their services as officers or employees of the Federal Government.

''(7) TRAVEL EXPENSES.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

''(8) TERMINATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the peer review panels.

''SEC. 207. DEFINITIONS.

''In this title:

''(1) ASSISTIVE TECHNOLOGY.—The term 'assistive technology' means technology designed to be utilized in an assistive technology device or assistive technology service.

''(2) ASSISTIVE TECHNOLOGY AND UNIVERSALLY DESIGNED TECHNOLOGY END-USER.—The term 'assistive technology and universally designed technology end-user' means any individual with a disability who uses assistive technology or universally designed technology to improve the quality of life of the individual or to obtain employment, including an individual with a physical disability, a cognitive disability, or a sensory disability, or an older individual.

''(3) TECHNOLOGY TRANSFER.—The term 'technology transfer' means the transmittal of developed ideas, products, and techniques—

''(A) from a research environment to an environment of practical application; or

''(B) from application in a prototype invention to mass production in a commercial product.

''(4) UNIVERSAL DESIGN.—The term 'universal design' means the design, development, fabrication, marketing, and technical support of products, services, and environments designed to be usable, to the greatest extent possible, by the largest number of persons, including individuals with disabilities and individuals without disabilities. No product, service, or environment shall be considered to have a universal design if use of the product, service, or environment is substantially limited or prevented by reason of—

''(A) a disability related to hearing, vision, learning, strength, reach, or movement; or

''(B) the existence of any other limitation of a major life function.''.

SEC. 5. TECHNOLOGY TRANSFER.

(a) AMENDMENTS TO PROVISIONS RELATING TO THE INTERAGENCY COMMITTEE ON DISABILITY RESEARCH.—Section 203 of the Rehabilitation Act of 1973 (29 U.S.C. 761b) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) Each member of the Committee shall attend all meetings of the Committee or delegate the responsibility for attending the meetings to a designee with the authority to commit the department or agency represented to participate in a joint project, the authority to comment on issues on behalf of the department or agency, and the expertise to participate in Committee discussions.'';

(2) in subsection (b)—

(A) by inserting ''(1)'' before ''After receiving''; and

(B) by adding at the end the following:

''(2) The Committee shall—

''(A) monitor the range of research and development of assistive technology and universally designed technology carried out by the Federal departments and agencies represented on the Committee;

''(B) ensure that the highest quality research and development of assistive technology and universally designed technology (through methods such as peer review) is carried out by the departments and agencies;

''(C) identify and establish clear research priorities for research and development of assistive technology and universally designed technology that will benefit individuals with disabilities, and permit joint ventures concerning research and development of assistive technology and universally designed technology among the department needs and agencies;

''(D) ensure interagency collaboration and joint research activities and reduce unnecessary duplication of effort by the departments and agencies;

''(E) develop effective technology transfer activities for the departments and agencies, including activities resulting from increased supply of assistive technology and universally designed technology or increased demand of assistive technology and universally designed technology end-users;

''(F) help establish and maintain the use of consistent definitions and terminologies among the departments and agencies, which definitions shall contribute to the production of comparable research and to the development of reliable statistical data across departments and agencies;

''(G) optimize the productivity of the departments and agencies through resource sharing and other cost-saving activities;

''(H) identify gaps in needed research and development and make efforts to ensure that the gaps are filled by a Federal department or agency represented on the Committee; and

''(I) collaborate with member agencies on specific projects that need additional funding beyond the capacity of 1 Federal department or agency represented on the Committee.'';

(3) by redesignating subsection (c) as subsection (d);

(4) by inserting after subsection (b) the following:

''(c)(1) The Director shall establish special task forces and subcommittees of the Committee for research and development of assistive technology and universally designed technology, including task forces and subcommittees related to medical rehabilitation, technology (including universal design), and the employment of individuals with disabilities.

''(2) The Director shall appoint 2 full-time staff members to assist the Director in the operation of the Committee.'';

(5) in subsection (d) (as redesignated by paragraph (3))—

(A) by inserting ''(1)'' before ''The Committee''; and

(B) by adding at the end the following:

''(2) The Director shall issue a biannual report announcing the availability of the grants, contracts, or cooperative agreements made available through Federal departments and agencies represented on the Committee for research and development of assistive technology and universally designed technology.

''(3) The Director shall submit to the Commissioner for inclusion in the annual report to Congress described in section 13—

''(A) the results and an analysis of the activities conducted under grants, contracts, or cooperative agreements awarded by departments and agencies represented on the Interagency Committee on Disability Research for research and development of assistive technology and universally designed technology;

''(B) a detailed summary of the activities and the effectiveness of the Committee in expanding research opportunities that lead to direct development of assistive technology devices and assistive technology services; and

''(C) results of periodic surveys of manufacturers and suppliers of assistive technology and universally designed technology, and of assistive technology and universally designed technology end-users.''.

(b) AMENDMENTS TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.—Section 11(e) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (I), by striking ''and'' after the semicolon;

(B) in subparagraph (J), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(K) develop and disseminate, including through accessible electronic formats, to all Federal, State, and local agencies and instrumentalities involved in assistive technology and universally designed technology, in order to maximize research and development of assistive technology and universally designed technology, information that indicates—

''(i) the extent of all activities undertaken by the Federal laboratories in the previous year having an intended or a recognized potential impact upon individuals with disabilities;

''(ii) the degree to which ongoing or projected activities of the Federal laboratories are expected to have an impact upon the available range of, or applications for, assistive technology and universally designed technology;

''(iii) the extent to which expert resources within the Consortium are made available or can be accessed for the purpose of meeting needs related to assistive technology and universally designed technology in the communities where the Federal laboratories operate; and

''(iv) the extent to which each Federal laboratory has attempted to involve, and succeeded in involving, individuals with disabilities in the development of priorities, plans, and prototypes with respect to assistive

technology and universally designed technology.''; and

(2) by adding at the end the following:

''(8)(A) The Director of the National Institute on Disability and Rehabilitation Research shall participate annually in the national meeting and interagency meeting of the Consortium.

''(B) The Director, in collaboration with other members of the Interagency Committee on Disability Research, where appropriate, shall coordinate the activities of the Federal laboratories, with respect to research and development of assistive technology and universally designed technology.

''(C) In conjunction with members of the Interagency Committee on Disability Research, the Director shall utilize the resources of the Consortium to identify potential public and private sector partners for research and development collaboration regarding assistive technology and universally designed technology.

''(9) In this section:

''(A) The terms 'individual with a disability' and 'individuals with disabilities' have the meanings given the terms in section 3 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202).

''(B) The terms 'universal design' and 'assistive technology' have the meaning given the term in section 207 of the Rehabilitation Act of 1973.''.

SEC. 6. MICRO LOANS.

(a) TERRITORIES.—Section 301 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2281) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) AWARD BASIS.—The Secretary shall award grants to States under this section on the basis of the population of the States.''.

(b) MECHANISMS.—Subsection (d) of section 301 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (as redesignated by subsection (a)(1)) is amended to read as follows:

''(c) MECHANISMS.—

''(1) IN GENERAL.—The alternative financing mechanisms shall include—

''(A) an interest buy-down loan program;

''(B) a revolving loan fund program; or

''(C) a loan guarantee program.

''(2) REQUIREMENTS.—Each program described in paragraph (1) shall—

''(A) provide assistance for assistive technology devices, assistive technology services, and universally designed technology products and services; and

''(B) maximize consumer participation in all aspects of the program.

''(3) DEFINITIONS.—

''(A) INTEREST BUY-DOWN LOAN PROGRAM.—The term 'interest buy-down loan program' means a loan program that involves an organization, using the organization's funds, to reduce the interest rate of a loan made by a lending institution to a borrower.

''(B) LOAN GUARANTEE PROGRAM.—The term 'loan guarantee program' means a loan program that provides loans that are backed by a promise or guarantee that, if there is a default on a loan made under the program, the loan will be paid back.

''(C) REVOLVING LOAN FUND PROGRAM.—The term 'revolving loan fund program' means a loan program in which individuals borrow money from a loan fund, loan repayments are dedicated to the recapitalization of the loan fund, and the repayments are used to make additional loans.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 308(a) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2288(a)) is amended by striking ''this title'' and all that follows and inserting ''this title, such sums as may be necessary for each of fiscal years 1999 through 2001.''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 201(a) of the Rehabilitation Act of 1973 (29 U.S.C. 761(a)) is amended to read as follows:

''(a) There are authorized to be appropriated—

''(1) such sums as may be necessary for each of fiscal years 1999 through 2001, for the purpose of providing for the expenses of the National Institute on Disability and Rehabilitation Research under section 202, which—

''(A) shall include the expenses of the Interagency Committee on Disability Research under section 203, the Rehabilitation Research Advisory Council under section 205, and the peer review panels under section 206; and

''(B) shall not include the expenses of such Institute to carry out section 204; and

''(2)(A) such sums as may be necessary for each of fiscal years 1999 through 2001 to carry out section 204, including providing financial assistance for research and development on assistive technology and universally designed technology at the level of assistance provided for fiscal year 1998; and

''(B) $10,000,000 for each of fiscal years 1999 through 2001, to provide, under section 204, such financial assistance (in addition to the level of assistance provided for fiscal year 1998).''.

AMENDMENT NO. 2708

At the end of the bill add the following:

SEC. 8. TAX INCENTIVES FOR ASSISTIVE TECHNOLOGY.

(a) ASSISTIVE TECHNOLOGY DEVELOPMENT BUSINESS TAX CREDIT.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following:

''SEC. 45D. CREDIT FOR ASSISTIVE TECHNOLOGY.

''(a) GENERAL RULE.—For purposes of section 38, the assistive technology credit of any taxpayer for any taxable year is an amount equal to so much of the qualified assistive technology expenses paid or incurred by the taxpayer during such year as does not exceed $100,000.

''(b) QUALIFIED ASSISTIVE TECHNOLOGY EXPENSES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified assistive technology expenses' means expenses for the design, development, and fabrication of assistive technology devices.

''(2) ASSISTIVE TECHNOLOGY DEVICE.—The term 'assistive technology device' means any item, piece of equipment, or product system, including any item acquired commercially off the shelf and modified or customized by the taxpayer, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

''(3) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities'' has the meaning given the term by section 3 of the Technology Related Assistance for Individuals with Disabilities Act of 1988 (29 U.S.C. 2202).

''(c) NO DOUBLE BENEFIT.—Any amount taken into account under section 41 may not be taken into account under this section.

''(d) TERMINATION.—This section shall not apply to any amount paid or incurred after December 31, 2003.''.

(2) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', plus'', and by adding at the end the following:

''(13) the assistive technology credit determined under section 45D(a).''.

(3) TRANSITIONAL RULE.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules) is amended by adding at the end the following:

''(9) NO CARRYBACK OF SECTION 45D CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the assistive technology credit determined under section 45D(a) may be carried back to a taxable year ending before January 1, 1999.''.

(4) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Sec. 45D. Credit for assistive technology.''.

(5) EVALUATION OF EFFECTIVENESS OF CREDIT.—The Secretary of the Treasury shall evaluate the effectiveness of the assistive technology credit under section 45D of the Internal Revenue Code of 1986, as added by this subsection, and report to the Congress the results of such evaluation not later than January 1, 2003.

(b) EXPANSION OF ARCHITECTURAL AND TRANSPORTATION BARRIER REMOVAL DEDUCTION.—

(1) IN GENERAL.—Section 190 of the Internal Revenue Code of 1986 is amended—

(A) by inserting ''and qualified communications barrier removal expenses'' after ''removal expenses'' in subsections (a)(1),

(B) by adding at the end of subsection (b) the following:

''(4) QUALIFIED COMMUNICATIONS BARRIER REMOVAL EXPENSES.—

''(A) IN GENERAL.—The term 'qualified communications barrier removal expense' means a communications barrier removal expense with respect to which the taxpayer establishes, to the satisfaction of the Secretary, that the resulting removal of any such barrier meets the standards promulgated by the Secretary and set forth in regulations prescribed by the Secretary. Such term shall not include the costs of general communications system upgrades or periodic replacements that do not heighten accessibility as the primary purpose and result of such replacements.

''(B) COMMUNICATIONS BARRIER REMOVAL EXPENSES.—The term 'communications barrier removal expense' means an expenditure for the purpose of identifying and implementing alternative technologies or strategies to remove those features of the physical, information-processing, telecommunications equipment or other technologies that limit the ability of handicap individuals to obtain, process, retrieve, or disseminate information that nonhandicapped individuals in the same or similar setting would ordinarily be expected and be able to obtain, retrieve, manipulate, or disseminate.'', and

(C) by striking ''**and transportation**'' in the heading and inserting '', **transportation, and communications**''.

(2) CONFORMING AMENDMENT.—The item relating to section 190 in the table of sections for part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking ''and transportation'' and inserting '', transportation, and communications''.

(c) EXPANSION OF WORK OPPORTUNITY CREDIT.—Section 51(c) of the Internal Revenue Code of 1986 (defining wages) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following:

''(4) ASSISTIVE TECHNOLOGY EXPENSES.—

''(A) IN GENERAL.—The term 'wages' includes expenses incurred in the acquisition and use of technology—

''(i) to facilitate the employment of any individual, including a vocational rehabilitation referral; or

''(ii) to provide a reasonable accommodation for any employee who is a qualified individual with a disability, as such terms are defined in section 101 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111).

''(B) REGULATIONS.—The Secretary shall by regulation provide rules for allocating expenses described in subparagraph (A) among individuals employed by the employer.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

ASSOCIATION OF TECH ACT PROJECTS,
Springfield, IL, June 5, 1998.

Hon. CHRISTOPHER S. BOND,
U.S. Senate, Russell Building, Washington, DC.

DEAR SENATOR BOND: On behalf of the Association of Technology Act Projects (ATAP), we are writing to express our sincere appreciation for your interest in making new and emerging technologies available to people with disabilities throughout the nation.

''The Assistive and Universally Designed Technology Improvement Act for Individuals with Disabilities'', the legislation you are introducing today, would expand federal support for much needed research and development in this field. ATAP looks forward to working closely with you and your staff as this legislation is considered by the Senate Committee on Labor and Human Resources. We believe the projects funded under the Tech Act that have enjoyed federal support, provide a critical linkage among consumers and service providers. ATAP members share your belief in the power of technology to improve the functional capabilities of individuals with disabilities.

ATAP congratulates you on the introduction of this important legislation and offers our support to your effort to expand the federal investment in assistive technology research and development.

Sincerely,

DEBORAH V. BUCK,
ATAP Co-Chair.
LYNNE CLEVELAND,
ATAP Co-Chair.

UNITED CEREBRAL PALSY ASSOCIATIONS,
Washington, DC, June 8, 1998.

DEAR SENATOR BOND: On behalf of United Cerebral Palsy Associations and our 151 affiliates, we strongly endorse the Assistive and Universally Designed Technology Improvement Act for Individuals with Disabilities (UCPA) with general reservation around the legislative directive on peer review which was expressed in our June 5 comments. In particular, we applaud your interest in micro tax incentives for assistive technology, and AT research, development, and dissemination.

UCPA has enjoyed working with your staff through this process. Thank you for the opportunity to comment on the legislation. UCPA believes that this bill will complement the anticipated assistive technology bill expected out of the Senate Labor and Human Resources Committee. UCPA looks forward to working with you and your staff in this effort to bring assistive technology to the forefront.

Sincerely,

PETER KEISER,
Chair, Community Services Committee.

NATIONAL EASTER SEAL SOCIETY,
OFFICE OF PUBLIC AFFAIRS,
Washington, DC, June 9, 1998.

Hon. CHRISTOPHER S. BOND,
U.S. Senate, Russell Building,
Washington, DC

DEAR SENATOR BOND: On behalf of National Easter Seals, I would like to thank you for the opportunity to review the ''Assistive and Universally Designed Technology Improvement Act for Individuals with Disabilities.'' Your leadership in addressing the serious issue of access to assistive technology for people with disabilities is greatly appreciated and we look forward to working with you on furthering the aims of the bill as it moves through the Senate Labor and Human Resources committee.

Particularly notable are your efforts to develop a national loan fund to assure that more people with disabilities have access to the technologies they need to reach goals of equality, dignity and independence. There is a growing population of people with disabilities who may not qualify for federal support, but nonetheless need some assistance in purchasing, maintaining and upgrading their assistive technology.

The proposals in your bill will serve to improve the quality of life for people with disabilities. Your leadership and enthusiasm are greatly appreciated, and Easter Seals looks forward to working with you on this initiative and in the future.

Sincerely,

JENNIFER DEXTER,
Government Relations Specialist.

By Mr. CRAIG:

S. 2175. A bill to safeguard the privacy of certain identification records and name checks, and for other purposes; to the Committee on the Judiciary.

FIREARMS OWNER PRIVACY ACT OF 1998

Mr. CRAIG. Mr. President, I rise to introduce the Firearms Owner Privacy Act of 1998. This bill is aimed at safeguarding the privacy of law-abiding citizens who choose to purchase firearms and therefore undergo the instant background check mandated by the Brady Act.

As many of my colleagues know, the National Instant Criminal Background Check System (NICS) is scheduled to go online on November 30, 1998. After that date, federally-licensed firearms dealers are required to contact NICS before they sell any handgun or long gun, so that a records check can be performed to determine whether the purchaser is prohibited by law from receiving the firearm.

A unique identification number will be assigned by the NICS to each search request in order to identify the transaction. That number is to be kept by the dealer. However, if the sale is approved—that is, if the purchaser is not disqualified from purchasing the firearm—all other records pertaining to that sale are to be destroyed.

This only makes sense. The Brady Act was never aimed at generating records concerning legal firearms sales. It was promoted as a law enforcement tool—a tool to prevent illegal gun sales and prosecute convicted felons or other disqualified persons who attempt to obtain firearms illegally.

More important, Senators who participated in the debate on the Brady bill will remember the concerns that were raised about the federal government retaining records of approved, legal transactions. Simply put, keeping those records is tantamount to registering firearms—something that is far from acceptable to most Americans, not to mention most members of Congress and certainly to this Senator. The federal government has no legitimate reason for keeping track of which Americans own guns. On the contrary, history teaches us that gun registration schemes have been used to pave the way for gun confiscation. It is not unreasonable for citizens to be skeptical of the government's self-restraint—indeed, that is why our Founders built checks and balances into our system of government in the first place.

In fashioning the Brady Act, Congress did not rely on government promises not to compile information on law-abiding gun purchasers. Instead, the law expressly prohibits the federal government from using NICS to establish any system for registering firearms, firearm owners, or transactions involving firearms. It also prevents a de facto registration system by specifically prohibiting the federal government from recording or keeping the records generated by the instant background check.

Again and again during debate on this measure, members of the House and Senate raised concerns about the privacy interests of law-abiding citizens. Again and again, we were assured that these prohibitions would prevent the Brady Act from establishing or promoting any kind of gun registration for law-abiding citizens. Clearly, one of the keys to passing the Brady bill was the absolute assurance that the privacy of law-abiding citizens would be respected, and records of their firearms transactions would be destroyed.

It is worth noting that since enactment of the Brady law, the concern over its potential for promoting gun registration has continued to boil. Like many of our colleagues, I continue to hear from people in my state and around the nation who do not believe this Administration—no friend to law-abiding gun owners—can resist the opportunity to mis-use and abuse the records generated during these background checks.

Mr. President, the Administration just turned up the heat on those boiling fears. Now that we are within months of putting NICS on line, federal agencies are beginning to release the details of how the system is expected to work. My telephones are beginning to ring as firearms dealers, gun collectors, and sportspeople have an opportunity to read the fine print. Among the proposals that concern them the most is that the agency operating NICS intends to keep records of approved firearms transactions for eighteen months.

That's right. The federal government proposes to keep records of legal, approved transactions for a year and a half.

The agency has explained that it needs to keep the records for auditing purposes, to make sure the system is working properly and not being abused. Mr. President, why in the world do they need a year and a half for that purpose? Furthermore, the longer these records sit around, the more potential there is for abuse. How can the agency justify allowing its own administrative convenience to outweigh the serious privacy and civil liberties concerns raised against retaining such records?

Let's not forget that under the current, interim system, records of an approved transaction are destroyed within twenty days. The NICS system is supposed to speed up the entire background check process so that the average contact will take minutes. Even if additional time is required because of problems with the check, the transaction is allowed to go forward within a mere three days, if the dealer does not receive a disapproval. The acceleration in every other part of the NICS system makes this records retention proposal even more incredible.

I am wholly unconvinced that the agency has any legitimate purpose for retaining the records of lawful purchases by qualified citizens as it has proposed. The bill I am introducing today, the Firearms Owner Privacy Act of 1998, simply reinforces the decision that this Congress originally made on this critical issue. It would require information generated by the system on approved, lawful purchases to be destroyed within twenty-four hours. An individual who knowingly retained or transferred that information after that time would face criminal penalties of up to $250,000 or up to ten years' imprisonment.

My bill also deals with transactions that are disapproved because a would-be purchaser is prohibited by federal or state law from receiving a firearm. For those transactions, the bill would permit the agency to retain the records for five years. If a criminal prosecution has been commenced against the purchaser, there would be no restriction at all on the agency's retention of the records. These provisions are aimed at insuring that if our law enforcement agencies intend to pursue a disapproved sale, they have ample opportunity to do so. However, the usefulness of these records past five years is very questionable.

Mr. President, I believe my bill imposes reasonable, workable limits that conform to Congressional intent. If someone knows a legitimate reason why the federal government should keep these records longer than my bill allows, I am certainly willing to listen to their arguments. To date, however, the explanations from the Administration have been unpersuasive at best.

Let me point out that a similar effort to limit the retention of these records is underway in the other body, headed by Representative BOB BARR. I hope my colleagues will join me in this effort to protect the privacy and civil liberties of law-abiding citizens.

I ask unanimous consent that a copy of the Firearms Owner Privacy Act of 1998 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Firearms Owner Privacy Act of 1998''.

SEC. 2. UNLAWFUL RETENTION OF FIREARMS TRANSFER INFORMATION.

(a) IN GENERAL.—Chapter 93 of title 18, United States Code, is amended by adding at the end the following:

''§ 1925. Unlawful retention of federal firearms transfer information

(a) DEFINITIONS..—In this section—

''(1) the term 'firearm' has the same meaning as in section 921(a);

''(2) the term 'instant check information'—

''(A) means any information—

''(i) provided to the instant check system about an individual seeking to obtain a firearm; or

''(ii) derived from any information provided as described in clause (i); and

''(B) does not include any unique identification number provided by the instant check system pursuant to section 922(t)(1)(B)(i), or the date on which that number is provided; and

''(3) the term 'instant check system' means the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note).

''(b) PROHIBITIONS AND PENALTIES.—

''(1) INFORMATION RELATING TO INDIVIDUALS NOT PROHIBITED FROM RECEIVING A FIREARM.—Whoever, being an officer, employee, contractor, consultant, or agent of the United States, including a State or local employee or officer acting on behalf of the United States, in that capacity—

''(A) receives instant check information, in any form or through any medium, about an individual who is determined, through the use of the instant check system, not to be prohibited by subsection (g) or (n) of section 922, or by State law, from receiving a firearm; and

''(B) knowingly retains or transfers to another person that information after the 24-hour period beginning with such receipt;

shall be fined not more than $250,000, imprisoned not more than 10 years, or both.

''(2) INFORMATION RELATING TO INDIVIDUALS PROHIBITED BY LAW FROM RECEIVING A FIREARM.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), whoever, being an officer, employee, contractor, consultant, or agent of the United States, including a State or local employee or officer acting on behalf of the United States, in that capacity—

''(i) receives instant check information, in any form or through any medium, about an individual who is prohibited by Federal or State law from receiving a firearm; and

''(ii) knowingly retains or transfers to another person that information after the 5-year period beginning with such receipt;

shall be fined not more than $250,000, imprisoned not more than 10 years, or both.

''(B) INAPPLICABILITY TO INFORMATION RELATING TO CERTAIN INDIVIDUALS.—Subparagraph (A) does not apply to any information about an individual if a criminal prosecution has been commenced against the individual on the basis of that information.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 93 of title 18, United States Code, is amended by adding at the end the following:

''1925. Unlawful retention of Federal firearms transfer information.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect on November 30, 1998.

By Mr. THOMPSON (for himself, Mr. BYRD, Mr. THURMOND, Mr. LOTT, and Mr. ROTH):

S. 2176. A bill to amend sections 3345 through 3349 of title 5, United States Code (commonly referred to as the ''Vacancies Act'' to clarify statutory requirements relating to vacancies in and appointments to certain Federal offices, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL VACANCIES REFORM ACT OF 1998

Mr. THOMPSON. Mr. President, on behalf of myself and a bipartisan group of senators, I introduce today the Federal Vacancies Reform Act of 1998. This legislation is needed to preserve one of the Senate's most important powers: the duty to advise and consent on presidential nominees.

The Framers of the Constitution established a procedure for the appointment of all government officers: they were to be nominated by the President and confirmed by the Senate, unless Congress decided that the appointment of specified inferior officers was to be made by the President alone, the courts, or by department heads. The First Congress, however, recognized that vacancies would arise in executive positions, and enacted legislation providing for officials to temporarily exercise the powers of an office even without Senate confirmation. The law was adopted essentially in its current form in 1868, and was last amended in 1988. As amended, the first assistant or another Senate-confirmed individual can serve for 120 days after the vacancy, and, in addition, may serve beyond those 120 days if the President submits a nomination for that office to the Senate within those 120 days.

Unfortunately, the Vacancies Act is honored more in the breach than in the observance. For the past 25 years, administrations of both parties have claimed that the Justice Department is exempt from the Vacancies Act. And since the Reagan Administration, other departments, at the behest of the Justice Department, make the same argument, purportedly based on the authority of the heads of each of the executive departments to delegate their authority to other department personnel. Following this argument to its logical end, none of the departments is bound by the Vacancies Act, so that the act is a dead letter.

Certainly, this Administration has conducted itself as if the Vacancies Act applies to none of the departments. Each department has at least one temporary officer who has served more

than 120 days before any nomination was sent to the Senate. Of the 320 executive department advise and consent positions, 64 are held by temporary officials. Of the 64, 43 have served longer than 120 days before any nomination was submitted to the Congress. The Commerce Department is the worst offender in number and in degree. For instance, the acting head of the Census Bureau is neither the first assistant nor a person who has been confirmed by the Senate, a mind-boggling violation of the law. Nor has a nomination been made, although the prior Census chief announced her departure more than five months ago.

The government's important functions should be carried out by permanent officials. That means that the President must submit nominations and the Senate needs to provide its advice and consent. This administration seems not to want to subject its appointees to such scrutiny. Acting on that desire is unconstitutional and a violation of the Vacancies Act as well. The Appointments Clause is not a technical nicety. As the Supreme Court has stated, the Appointments Clause is designed to keep the Executive and Legislative Branches within their appropriate spheres, so as to better preserve individual liberty.

The Governmental Affairs Committee recently held an oversight hearing on the Vacancies Act. In that hearing, it became apparent that the Administration was regularly acting in violation of the law, but faced no consequence for its actions. The Committee also heard testimony from Senators BYRD and THURMOND, who had each introduced bills designed to ensure compliance with the Vacancies Act through clarifying the scope of agencies covered and providing an enforcement mechanism. Our colleagues owe a debt of gratitude to Senators BYRD and THURMOND for raising these important issues and offering solutions to address them.

I have found the approaches in the Byrd and Thurmond bills to have contributed importantly to the drafting of the legislation I introduce today. It is extremely important to ensure that the Vacancy Act period run from the date of the vacancy, to clarify that it covers all departments, and to impose a sanction for noncompliance. Subsequent to the introduction of the Byrd and Thurmond bills, the United States Court of Appeals for the District of Columbia Circuit issued a decision on the meaning of the Vacancies Act, approving the four year service of an acting head of the Office of Thrift Supervision as appointed by the departing head of the agency. Overruling several portions of that decision have become a priority.

The legislation I introduce today provides that in the event of a vacancy in a position in an executive agency requiring the advice and consent of the Senate, the officer's first assistant is allowed to perform the functions and duties of the office on an acting basis, for up to 150 days. Under current law, the period is 120 days, but the vicissitudes of the modern vetting process appear to require that the time be lengthened, to my regret. Alternatively, the President may direct another person who has already received Senate confirmation to serve as the acting official for 150 days. To prevent these restrictions from being gamed, the bill provides that the acting officer must have been the first assistant for 180 of the 365 days preceding the vacancy.

The length of temporary service can be extended beyond the 150 days if the President submits a nomination to the Senate for the vacant position. If the nomination is withdrawn, or if the Senate rejects or returns it, the acting official can serve only for 150 days after that event.

The bill makes clear that the Vacancies Act applies to all offices in executive agencies for which appointment is required to be made by the President by and with the advice and consent of the President. Nonetheless, we do not write on a clean slate. There are a number of laws already on the books that provide a process by which persons can serve as acting officers when particular offices are vacant. In most instances, these officials can serve until a successor is confirmed, without regard to the Vacancies Act. The bill preserves those specific statutes, but, to clearly reject the position of the Justice Department, it expressly repudiates the contention that a law authorizing the head of a department to delegate or reassign duties among other officers is a statute that provides for the temporary filling of a specific office. For the future, Congress will have to expressly provide that it is superseding the Vacancies Act if it wishes to override the Vacancies Act as to the temporary filling of advise and consent provisions.

The bill also establishes a second enforcement mechanism. If a nominee is not submitted to the Senate within 150 days of the vacancy, then the office is vacant until a nominee is submitted. While the routine functions of the office would be allowed to continue, those functions and duties that are specified to be performed by that official could only be performed by the head of the department. In fact, no specified duty of the officeholder that existed by regulation for the 180 days preceding the vacancy could be diminished in an effort to avoid the bill's vacant office provisions. However, if the President submits a nomination at any point after the 150 days, the acting officer would again be allowed to serve while the nomination was pending in the Senate, until confirmation, or until 150 days after the rejection, withdrawal, or return of the nomination. Actions taken by any acting official in violation of these provisions would be of no effect, and no one would be permitted to ratify the actions of the acting official that were taken in violation of the vacant office provisions.

Enforcement is further enhanced by requiring each executive agency to report to the Comptroller General the existence of vacancies, the names of persons serving as acting officers and when such service began, the name of any nominee and when such nomination was submitted to the Senate, and the final disposition of the nomination. The Comptroller General will then notify the Congress, the President, and the Office of Personnel Management when the 150 day limitations have been reached.

Mr. President, the Framers established a system for appointing important officials in which the President and the Senate would each play a role. Not only did the Framers wish to ensure that more than one person's wisdom was brought to the appointment process, but that the President, in selecting nominees, would be aware that they would face scrutiny. When a vacancy occurs in such an office, it is important to establish a process that permits the routine operation of the government to continue, but that will not allow the evasion of the Senate's constitutional authority to advise and consent to nominations. I am pleased that a number of my colleagues are joining with me to formulate a structure that will achieve these ends. I look forward to the Senate's passage of this legislation in the near future.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Vacancies Reform Act of 1998''.

SEC. 2. FEDERAL VACANCIES AND APPOINTMENTS.

(a) IN GENERAL.—Chapter 33 of title 5, United States Code, is amended by striking sections 3345 through 3349 and inserting the following:

''§ 3345. Acting officer

''(a) If an officer of an Executive agency (including the Executive Office of the President, and other than the General Accounting Office) whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate, dies, resigns, or is otherwise unable to perform the functions and duties of the office—

''(1) the first assistant of such officer shall perform the functions and duties of the office temporarily in an acting capacity, subject to the time limitations of section 3346; or

''(2) notwithstanding paragraph (1), the President (and only the President) may direct a person who serves in an office for which appointment is required to be made by the President, by and with the advice and consent of the Senate, to perform the functions and duties of the office temporarily in an acting capacity, subject to the time limitations of section 3346.

''(b) Notwithstanding section 3346(a)(2), a person may not serve as an acting officer for an office under this section, if—

''(1) on the date of the death, resignation, or beginning of inability to serve of the applicable officer, such person serves in the position of first assistant to such officer;

''(2) during the 365-day period preceding such date, such person served in the position of first assistant to such officer for less than 180 days; and

''(3) the President submits a nomination of such person to the Senate for appointment to such office.

''(c) With respect to the office of the Attorney General of the United States, the provisions of section 508 of title 28 shall be applicable.

''§ 3346. Time limitation

''(a) The person serving as an acting officer as described under section 3345 may serve in the office—

''(1) for no longer than 150 days beginning on the date the vacancy occurs; or

''(2) subject to subsection (b), once a first or second nomination for the office is submitted to the Senate, for the period that the nomination is pending in the Senate.

''(b)(1) If the first nomination for the office is rejected by the Senate, withdrawn, or returned to the President by the Senate, the person may continue to serve as the acting officer for no more than 150 days after the date of such rejection, withdrawal, or return.

''(2) If a second nomination for the office (of a different person than first nominated in the case of a rejection or withdrawal) is submitted to the Senate during the 150-day period after the rejection, withdrawal, or return of the first nomination, the person serving as the acting officer may continue to serve—

''(A) until the second nomination is confirmed; or

''(B) for no more than 150 days after the second nomination is rejected, withdrawn, or returned.

''(c) If a person begins serving as an acting officer during an adjournment of the Congress sine die, the 150-day period under subsection (a) shall begin on the date that the Senate first reconvenes.

''§ 3347. Application

''(a) Sections 3345 and 3346 are applicable to any office of an Executive agency (including the Executive Office of the President, and other than the General Accounting Office) for which appointment is required to be made by the President, by and with the advice and consent of the Senate, unless—

''(1) another statutory provision expressly provides that such provision supersedes sections 3345 and 3346;

''(2) a statutory provision in effect on the date of enactment of the Federal Vacancies Reform Act of 1998 expressly authorizes the President, or the head of an Executive department, to designate an officer to perform the functions and duties of a specified office temporarily in an acting capacity; or

''(3) the President makes an appointment to fill a vacancy in such office during the recess of the Senate pursuant to clause 3 of section 2 of article II of the United States Constitution.

''(b) Any statutory provision providing general authority to the head of an Executive agency (including the Executive Office of the President, and other than the General Accounting Office) to delegate duties to, or to reassign duties among, officers or employees of such Executive agency, is not a statutory provision to which subsection (a)(2) applies.

''§ 3348. Vacant office

''(a) In this section—

''(1) the term 'action' includes any agency action as defined under section 551(13); and

''(2) the term 'function or duty' means any function or duty of the applicable office that—

''(A)(i) is established by statute; and

''(ii) is required by statute to be performed by the applicable officer (and only that officer); or

''(B)(i)(I) is established by regulation; and

''(II) is required by such regulation to be performed by the applicable officer (and only that officer); and

''(ii) includes a function or duty to which clause (i) (I) and (II) applies, and the applicable regulation is in effect at any time during the 180-day period preceding the date on which the vacancy occurs, notwithstanding any regulation that—

''(I) is issued on or after the date occurring 180 days before the date on which the vacancy occurs; and

''(II) limits any function or duty required to be performed by the applicable officer (and only that officer).

''(b) Subject to section 3347 and subsection (c)—

''(1) if the President does not submit a first nomination to the Senate to fill a vacant office within 150 days after the date on which a vacancy occurs—

''(A) the office shall remain vacant until the President submits a first nomination to the Senate; and

''(B) in the case of an office other than the office of the head of an Executive agency (including the Executive Office of the President, and other than the General Accounting Office), only the head of such Executive agency may perform any function or duty of such office, until a nomination is made in accordance with subparagraph (A);

''(2) if the President does not submit a second nomination to the Senate within 150 days after the date of the rejection, withdrawal, or return of the first nomination—

''(A) the office shall remain vacant until the President submits a second nomination to the Senate; and

''(B) in the case of an office other than the office of the head of an Executive agency (including the Executive Office of the President, and other than the General Accounting Office), only the head of such Executive agency may perform any function or duty of such office, until a nomination is made in accordance with subparagraph (A); and

''(3) if an office is vacant after 150 days after the rejection, withdrawal, or return of the second nomination—

''(A) the office shall remain vacant until a person is appointed by the President, by and with the advice and consent of the Senate; and

''(B) in the case of an office other than the office of the head of an Executive agency (including the Executive Office of the President, and other than the General Accounting Office), only the head of such Executive agency may perform any function or duty of such office, until an appointment is made in accordance with subparagraph (A).

''(c) If the last day of any 150-day period under subsection (b) is a day on which the Senate is not in session, the first day the Senate is next in session and receiving nominations shall be deemed to be the last day of such period.

''(d)(1) Except as provided under paragraphs (1)(B), (2)(B), and (3)(B) of subsection (b), an action shall have no force or effect if such action—

''(A)(i) is taken by any person who fills a vacancy in violation of subsection (b); and

''(ii) is the performance of a function or duty of such vacant office; or

''(B)(i) is taken by a person who is not filling a vacant office; and

''(ii) is the performance of a function or duty of such vacant office.

''(2) An action that has no force or effect under paragraph (1) may not be ratified.

''(d) This section shall not apply to—

''(1) the General Counsel of the National Labor Relations Board;

''(2) the General Counsel of the Federal Labor Relations Authority; or

''(3) any Inspector General appointed by the President, by and with the advice and consent of the Senate.

''§ 3349. Reporting of vacancies

''(a) The head of each Executive agency (including the Executive Office of the President, and other than the General Accounting Office) shall submit to the Comptroller General of the United States and to each House of Congress—

''(1) notification of a vacancy and the date such vacancy occurred immediately upon the occurrence of the vacancy;

''(2) the name of any person serving in an acting capacity and the date such service began immediately upon the designation;

''(3) the name of any person nominated to the Senate to fill the vacancy and the date such nomination is submitted immediately upon the submission of the nomination; and

''(4) the date of a rejection, withdrawal, or return of any nomination immediately upon such rejection, withdrawal, or return.

''(b) If the Comptroller General of the United States makes a determination that an officer is serving longer than the 150-day period including the applicable exceptions to such period under section 3346, the Comptroller General shall report such determination to—

''(1) the Committee on Governmental Affairs of the Senate;

''(2) the Committee on Government Reform and Oversight of the House of Representatives;

''(3) the Committees on Appropriations of the Senate and House of Representatives;

''(4) the appropriate committees of jurisdiction of the Senate and House of Representatives;

''(5) the President; and

''(6) the Office of Personnel Management.

''§ 3349a. Presidential inaugural transitions

''(a) In this section, the term 'transitional inauguration day' means the date on which any person swears or affirms the oath of office as President, if such person is not the President on the date preceding the date of swearing or affirming such oath of office.

''(b) With respect to any vacancy that exists during the 60-day period beginning on a transitional inauguration day, the 150-day period under section 3346 or 3348 shall be deemed to—

''(1) begin on the later of—

''(A) the date following such transitional inauguration day; or

''(B) the date the vacancy occurs; and

''(2) be a period of 180 days.

''§ 3349b. Holdover provisions relating to certain independent establishments

''With respect to any independent establishment for which a single officer is the head of the establishment, sections 3345 through 3349a shall not be construed to affect any statute that authorizes a person to continue to serve in any office—

''(1) after the expiration of the term for which such person is appointed; and

''(2) until a successor is appointed or a specified period of time has expired.

''§ 3349c. Exclusion of certain officers

''Sections 3345 through 3349b shall not apply to—

''(1) any member who is appointed by the President, by and with the advice and consent of the Senate to any board, commission, or similar entity that—

''(A) is composed of multiple members; and

''(B) governs an independent establishment or Government corporation; or

''(2) any commissioner of the Federal Energy Regulatory Commission.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 33 of title 5, United States

Code, is amended by striking the matter relating to subchapter III and inserting the following:

''SUBCHAPTER III—DETAILS, VACANCIES, AND APPOINTMENTS

''3341. Details; within Executive or military departments.
''[3342. Repealed.]
''3343. Details; to international organizations.
''3344. Details; administrative law judges.
''3345. Acting officer.
''3346. Time limitation.
''3347. Application.
''3348. Vacant office.
''3349. Reporting of vacancies.
''3349a. Presidential inaugural transitions.
''3349b. Holdover provisions relating to certain independent establishments.
''3349c. Exclusion of certain officers.''.

(2) SUBCHAPTER HEADING.—The subchapter heading for subchapter III of chapter 33 of title 5, United States Code, is amended to read as follows:

''SUBCHAPTER III—DETAILS, VACANCIES, AND APPOINTMENTS''.

SEC. 3. EFFECTIVE DATE AND APPLICATION.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) APPLICATION.—This Act shall apply to any office that—

(1) becomes vacant after the date of enactment of this Act; or

(2) is vacant on such date, except sections 3345 through 3349 of title 5, United States Code (as amended by this Act), shall apply as though such office first became vacant on such date.

Mr. THURMOND. Mr. President, I rise today as an original cosponsor of the Federal Vacancies Reform Act. This legislation is essential to help preserve and strengthen the advice and consent role of the Senate as mandated in the Constitution.

One of the greatest fears of the Founders was the accumulation of too much power in one source, and the separation of powers among the three branches of Government is one of the keys to the success of our great democratic government. An excellent example of the separation of powers is the requirement in Article II, Section 2 of the Constitution that the President receive the advice and consent of the Senate for the appointment of officers of the United States. As Chief Justice Rehnquist wrote for the Supreme Court a few years ago, ''The Clause is a bulwark against one branch aggrandizing its power at the expense of another branch.''

The Vacancies Act is central to the Appointments Clause because it places limits on the amount of time that the President can appoint someone to an advice and consent position in an acting capacity without sending a nomination to the Senate. However, for many years, the executive branch has failed to comply with the letter of the law. The Vacancies Act has no method of enforcement, so the executive branch just ignores it. When confronted with the act, the Attorney General makes very weak legal arrangements about its inapplicability. This is what the Attorney General did over one year ago when I raised the Vacancies Act at an oversight hearing. At the time, almost all of the top positions at the Justice Department were being filled in an acting capacity. I exchanged letters with her about the Vacancies Act, and detailed the fallacy in her argument. It was to no avail.

I became convinced that legislation to rewrite the vacancies law and provide some remedy for violating it was the only way to get the executive branch to properly respect the advice and consent role of the Senate. Senator LOTT and I introduced legislation earlier this year, and I testified about it before the Governmental Affairs Committee.

I detailed for the Committee some prominent examples of how the Act was being ignored. President Clinton allowed the Criminal Division of the Justice Department to languish for over two and one half years before making an appointment. The Government had an Acting Solicitor General for an entire term of the Supreme Court. Most recently, the President installed an Acting Chief of the Civil Rights Division in blatant disregard of the Judiciary Committee's decision not to support his controversial choice.

However, let me be clear. This bill is not about any one President or any one nominee. It is about preserving the institutional role of the Senate. A Republican President has no more right to ignore the appointments process than a Democrat President.

Today, Senator THOMPSON, Senator BYRD, Senator LOT, and I are introducing a bipartisan bill to address the problem. It gives the President 150 days to send a nomination rather than the current 120 days. If he does not comply, the office must remain vacant and the actions of any person acting in that office after that time are null and void, until a nominee is forwarded to the Senate. The bill also clarifies the application of the Vacancies Act to reject the Attorney General's flawed interpretation.

Mr. President, we must act to preserve the advice and consent role of the Senate. As the Supreme Court has stated, ''The structural interests protected by the Appointments Clause are not those of any one branch of Government but of the entire Republic.'' Reforming the vacancies law is essential in this regard. Let us reaffirm the separation of powers for the sake of the Senate and the entire Republic.

By Mr. INOUYE:

S. 2177. A bill to express the sense of the Congress that the President should award a Presidential unit citation to the final crew of the U.S.S. *Indianapolis*, which was sunk on July 30, 1945; to the Committee on Armed Services.

PRESIDENTIAL UNIT CITATION TO THE USS INDIANAPOLIS

● Mr. INOUYE. Mr. President, today I am introducing a Sense of the Congress bill which calls upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis* (CA–35) that recognizes the courage, fortitude, and heroism displayed by the crew in the face of tremendous hardship and adversity after their ship was torpedoed and sunk on July 30, 1945.●

By Mr. KOHL (for himself and D'AMATO):

S. 2178. A bill to amend the National Housing Act to authorize the Secretary of Housing and Urban Development to insure mortgages for the acquisition, construction, or substantial rehabilitation of child care and development facilities and to establish the Children's Development Commission to certify such facilities for such insurance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CHILDREN'S DEVELOPMENT COMMISSION ACT

● Mr. KOHL. Mr. President, today I introduce the Children's Development Commission Act. I am pleased to be joined in this by my friend, Senator D'AMATO. He brings to this endeavor a deep understanding of the nation's capital markets and a deep concern for the well being of this country's children. In the House of Representatives, Representatives MALONEY and BAKER have already introduced a companion measure, H.R. 3637.

Our legislation is designed to address the credit market's failure to provide sufficient long term financing for the building and renovation of child care centers, after-school care programs, infant care, and family child care homes. Because the profit margin in such centers is very low, and the perceived risk is great, lenders are often unwilling to lend to child care operations. This is true despite the fact that an overwhelming number of studies show a shortage in the supply of quality child care—especially in urban areas, in low income areas, and for certain types of care (infant care, school age care, off-hour care).

The Children's Development Commission Act creates a loan guarantee program through HUD to provide insurance to lenders willing to put up money for child care center mortgages, leases, or renovations. The program is modeled closely on the successful Section 232 HUD program that provides mortgage insurance for elder-care facilities.

The bill also creates a ''Children's Development Commission'' or ''Kiddie Mac'' which: (1) certifies child care development facilities eligible for guaranteed financing; (2) establishes the standards necessary to make such certification; (3) makes small purpose loans to child care facilities for reconstruction and renovation; (4) develops a plan to offer low cost liability and fire insurance to child care providers; and (5) creates a research foundation to support research into child care supply issues, fund pilot programs for improving child care, and publishes material for those interested in getting mortgage insurance through HUD.

Congress will make one $10 million appropriation to fund the Kiddie Mac's incorporation and its micro-loan program; after that, a stock offering will fund Kiddie Mac until its financial activities and fee collection make it self-financing.

The need, and the will, to take this sort of step to increase the supply of quality child care is evident. When I ran for Congress in 1988, I talked about the importance of child care. At best, I received a polite smile of interest, and then the discussion would move on to the pressing issues of the day—the environment, the budget deficit, health care.

Today, child care is being discussed earnestly at dinner tables across the nation and in Committee rooms all over the Capitol. Almost everyone has a personal story about trying to secure good child care, about trying to help an employee find good child care, about the terrible shortage of quality child care in their town or city.

We have always talked about the necessities of life as being food, clothing and shelter. I think it is time we add a fourth—quality child care. It is necessary to give our children the strong start they need. It is necessary if we are going to take advantage of the tremendous ability to learn in the first three years of life.

And quality child care is necessary in order for the growing number of families in which both parents work, for the growing number of single parent families to be able to earn a living, and for businesses that want to attract and retain productive, happy employees.

Unfortunately, by every measure and in every state, quality child care is in short supply. And in most areas of the country, the sweeping welfare reform we passed last year has exacerbated existing shortages. In my State of Wisconsin, the State's welfare reform plan will generate the need for 8000 new child care slots in Milwaukee Country alone. And in New York City, by the year 2001, there will be 30,000 more children who need child care than there are child care spaces for them.

The shortage is not just one of child care slots, but of quality child care slots. One major study showed that seven out of ten child care centers provide mediocre care, while one in eight is so inadequate that the health and safety of the children are threatened. Another survey found that more than half of parents with children in child care worry weekly about whether their children are well-served in their current arrangements.

Kiddie Mac will help address these shortfalls in several ways. It will lower the costs of those setting up child care facilities, home child care, or preschools. By guaranteeing child care facility mortgages and leases, Kiddie Mac lowers the start-up costs to facilities allowing them to pass the savings on to teachers in the form of higher salaries and parents in the form of lower fees. Kiddie Mac will also provide loan guarantees to facilities that want to upgrade and providing micro-loans for small repairs related to licensing. This will allow existing centers and homes, even very small ones, to bring their facilities up to—and beyond—code.

Kiddie Mac is a market-based, small-government approach to moving capital toward a very wise investment in quality child care. Kiddie Mac's services will be available to any organization who can show they will provide quality child care: businesses, non-profits, churches or synagogues, family home providers, or after-school programs. Decisions as to how much and how the care will be provided are left where they belong: with the local providers, with local communities, and with the parents.

Mr. President, I ask unanimous consent that the text of the Children's Development Act be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Children's Development Commission Act''.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The need for quality nursery schools, both full-time and part-time child care centers and after-school programs, after school programs, neighborhood-run mothers-day-out programs, and family child care providers has grown among working parents, and parents who stay at home, who want their children to have access to early childhood education.

(2) All parents should have access to safe, stimulating, and educational early childhood education programs for their children, whether such programs are carried out in a child care center, a part-time nursery school (including a nursery school operated by a religious organization), or a certified child care provider's home.

(3) The number of available enrollment opportunities for children to receive quality child care services is not meeting the demand for such services.

(4) In 1995 there were about 21,000,000 children less than 6 years of age, of whom 31 percent were participating in center-based child care services and 14 percent were receiving child care in homes. Between 1992 and 2005 the participation of women 24 to 54 years of age in the labor force is projected to increase from 75 percent to 83 percent.

(5) In States that have set up a mechanism to provide capital improvements for child care facilities, the demand for services of such facilities still has not been met.

(6) The United States is behind other western, industrialized countries when it comes to providing child care services. In France, almost 100 percent of all children 3 to 5 years of age attend nursery school. In Germany this number is 65 to 70 percent. In Japan 90 percent of such children attend some form of preschool care. In all of these countries early childhood care has proven to increase children's development and performance.

SEC. 3. INSURANCE FOR MORTGAGES ON NEW AND REHABILITATED CHILD CARE AND DEVELOPMENT FACILITIES.

Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following:

''MORTGAGE INSURANCE FOR CHILD CARE AND DEVELOPMENT FACILITIES

''SEC. 257. (a) PURPOSE.—The purpose of this section is to facilitate and assist in the provision and development of licensed child care and development facilities.

''(b) GENERAL INSURANCE AUTHORITY.—The Secretary may insure mortgages (including advances on such mortgages during construction) in accordance with the provisions of this section and upon such terms and conditions as the Secretary may prescribe and may make commitments for insurance of such mortgages before the date of their execution or disbursement thereon.

''(c) ELIGIBLE MORTGAGES.—To carry out the purpose of this section, the Secretary may insure any mortgage that covers a new child care and development facility, including a new addition to an existing child care and development facility (regardless of whether the existing facility is being rehabilitated), or a substantially rehabilitated child care and development facility, including equipment to be used in the operation of the facility, subject to the following conditions:

''(1) APPROVED MORTGAGOR.—The mortgage shall be executed by a mortgagor approved by the Secretary. The Secretary may, in the discretion of the Secretary, require any such mortgagor to be regulated or restricted as to charges and methods of financing and, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not more than $100 such stock or interest in such mortgagor as the Secretary may consider necessary. Any stock or interest so purchased shall be paid for out of the General Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

''(2) PRINCIPAL OBLIGATION.—The mortgage shall involve a principal obligation in an amount not to exceed 90 percent of the estimated value of the property or project, or 95 percent of the estimated value of the property or project in the case of a mortgagor that is a private nonprofit corporation or association (as such term is defined pursuant to section 221(d)(3)), including—

''(A) equipment to be used in the operation of the facility when the proposed improvements are completed and the equipment is installed; or

''(B) a solar energy system (as defined in subparagraph (3) of the last paragraph of section 2(a)) or residential energy conservation measures (as defined in subparagraphs (A) through (G) and (I) of section 210(11) of the National Energy Conservation Policy Act), in cases in which the Secretary determines that such measures are in addition to those required under the minimum property standards and will be cost-effective over the life of the measure.

''(3) AMORTIZATION AND INTEREST.—The mortgage shall—

''(A) provide for complete amortization by periodic payments under such terms as the Secretary shall prescribe;

''(B) have a maturity satisfactory to the Secretary, but in no event longer than 25 years; and

''(C) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee, and the Secretary shall not issue any

regulations or establish any terms or conditions that interfere with the ability of the mortgagor and mortgagee to determine the interest rate.

''(d) CERTIFICATION BY CHILDREN'S DEVELOPMENT COMMISSION.—The Secretary may not insure a mortgage under this section unless the Children's Development Commission established under section 258 certifies that the facility is in compliance, or will be in compliance not later than 12 months after such certification, with—

''(1) any laws, standards, and requirements applicable to such facilities under the laws of the State, municipality, or other unit of general local government in which the facility is or is to be located; and

''(2) after the effective date of the standards and requirements established under section 258(c)(2), such standards and requirements.

''(e) RELEASE.—The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as the Secretary may prescribe.

''(f) MORTGAGE INSURANCE TERMS.—The provisions of subsections (d), (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 shall apply to mortgages insured under this section, except that all references in such subsections to section 207 shall be considered, for purposes of mortgage insurance under this section, to refer to this section.

''(g) MORTGAGE INSURANCE FOR FIRE SAFETY EQUIPMENT LOANS.—

''(1) AUTHORITY.—The Secretary may, upon such terms and condition as the Secretary may prescribe, make commitments to insure and insure loans made by financial institutions or other approved mortgagees to child care and development facilities to provide for the purchase and installation of fire safety equipment necessary for compliance with the 1967 edition of the Life Safety Code of the National Fire Protection Association (or any subsequent edition specified by the Secretary of Health and Human Services).

''(2) LOAN REQUIREMENTS.—To be eligible for insurance under this subsection a loan shall—

''(A) not exceed the Secretary's estimate of the reasonable cost of the equipment fully installed;

''(B) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee;

''(C) have a maturity satisfactory to the Secretary;

''(D) be made by a financial institution or other mortgagee approved by the Secretary as eligible for insurance under section 2 or a mortgagee approved under section 203(b)(1);

''(E) comply with other such terms, conditions, and restrictions as the Secretary may prescribe; and

''(F) be made with respect to a child care and development facility that complies with the requirement under subsection (d).

''(3) INSURANCE REQUIREMENTS.—The provisions of paragraphs (5), (6), (7), (9), and (10) of section 220(h) shall apply to loans insured under this subsection, except that all references in such paragraphs to home improvement loans shall be considered, for purposes of this subsection, to refer to loans under this subsection. The provisions of subsections (c), (d), and (h) of section 2 shall apply to loans insured under this subsection, except that all references in such subsections to 'this section' or 'this title' shall be considered, for purposes of this subsection, to refer to this subsection.

''(h) SCHEDULES AND DEADLINES.—The Secretary shall establish schedules and deadlines for the processing and approval (or provision of notice of disapproval) of applications for mortgage insurance under this section.

''(i) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

''(1) CHILD CARE AND DEVELOPMENT FACILITY.—The term 'child care and development facility' means a public facility, proprietary facility, or facility of a private nonprofit corporation or association that—

''(A) has as its purpose the care and development of children less than 12 years of age; and

''(B) is licensed or regulated by the State in which it is located (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located).

The term does not include facilities for school-age children primarily for use during normal school hours. The term includes facilities for training individuals to provide child care and development services.

''(2) EQUIPMENT.—The term 'equipment' includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and any other items necessary for the functioning of a particular facility as a child care and development facility, including necessary furniture. Such term includes books, curricular, and program materials.

''(3) MORTGAGE; FIRST MORTGAGE; MORTGAGEE.—The term 'mortgage' means a first mortgage on real estate in fee simple, or on the interest of either the lessor or lessee thereof under a lease having a period of not less than 7 years to run beyond the maturity date of the mortgage. The term 'first mortgage' means such classes of first liens as are commonly given to secure advances (including advances during construction) on, or the unpaid purchase price of, real estate under the laws of the State in which the real estate is located, together with the credit instrument or instruments (if any) secured thereby, and any mortgage may be in the form of one or more trust mortgages or mortgage indentures or deeds of trust, securing notes, bonds, or other credit instruments, and, by the same instrument or by a separate instrument, may create a security interest in initial equipment, whether or not attached to the realty. The term 'mortgagor' has the meaning given the term in section 207(a).

''(j) LIMITATION ON INSURANCE AUTHORITY.—

''(1) TERMINATION.—No mortgage may be insured under this section or section 223(h) after September 30, 2005, except pursuant to a commitment to insure issued on or before such date.

''(2) AGGREGATE PRINCIPAL AMOUNT LIMITATION.—The aggregate principal amount of mortgages for which the Secretary enters into commitments to insure under this section or section 223(h) on or before the date under paragraph (1) may not exceed $2,000,000,000. If, upon the date under paragraph (1), the aggregate insurance authority provided under this paragraph has not been fully used, the Secretary of the Treasury shall submit a report to Congress evaluating the need for continued mortgage insurance under this section.''.

''(k) REGULATIONS.—The Secretary shall issue any regulations necessary to carry out this section. In issuing such regulations, the Secretary shall consult with the Secretary of Health and Human Services with respect to any aspects of the regulations regarding child care and development facilities.''.

SEC. 4. INSURANCE FOR MORTGAGES FOR ACQUISITION OR REFINANCING DEBT OF EXISTING CHILD CARE AND DEVELOPMENT FACILITIES.

Section 223 of the National Housing Act (12 U.S.C. 1715n) is amended by adding at the end the following:

''(h) MORTGAGE INSURANCE FOR PURCHASE OR REFINANCING OF EXISTING CHILD CARE AND DEVELOPMENT FACILITIES.—

''(1) AUTHORITY.—Notwithstanding any other provision of this Act, the Secretary may insure under any section of this title a mortgage executed in connection with the purchase or refinancing of an existing child care and development facility, the purchase of a structure to serve as a child care and development facility, or the refinancing of existing debt of an existing child care and development facility.

''(2) PURCHASE OF EXISTING FACILITIES AND STRUCTURES.—In the case of the purchase under this subsection of an existing child care and development facility or purchase of an existing structure to serve as such a facility, the Secretary shall prescribe any terms and conditions that the Secretary considers necessary to ensure that—

''(A) the facility or structure purchased continues to be used as a child care and development facility; and

''(B) the facility complies with the same requirements applicable under subsections (d) and (e) of section 257 to facilities having mortgages insured under such section.

''(3) REFINANCING OF EXISTING FACILITIES.—In the case of refinancing of an existing child care and development facility, the Secretary shall prescribe any terms and conditions that the Secretary considers necessary to ensure that—

''(A) the refinancing is used to lower the monthly debt service costs (taking into account any fees or charges connected with such refinancing) of the existing facility;

''(B) the proceeds of any refinancing will be employed only to retire the existing indebtedness and pay the necessary cost of refinancing on the existing facility;

''(C) the existing facility is economically viable; and

''(D) the facility complies with the same requirements applicable under section 257(d) to facilities having mortgages insured under such section.

''(4) DEFINITIONS.—For purposes of this subsection, the terms defined in section 257(i) shall have the same meanings as provided under such section.

''(5) LIMITATION ON INSURANCE AUTHORITY.—The authority of the Secretary to enter into commitments to insure mortgages under this subsection is subject to the limitations under section 257(j).''.

SEC. 5. CHILDREN'S DEVELOPMENT COMMISSION.

Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end (after section 257, as added by section 3 of this Act) the following:

''CHILDREN'S DEVELOPMENT COMMISSION

''SEC. 258. (a) ESTABLISHMENT.—There is hereby established a commission to be known as the Children's Development Commission.

''(b) MEMBERSHIP.—

''(1) APPOINTMENT.—The Commission shall be composed of 7 members appointed by the President, not later than the expiration of the 3-month period beginning upon the enactment of this section, by and with the advice and consent of the Senate, as follows:

''(A) 1 member shall be appointed from among 3 individuals recommended by the Secretary of Housing and Urban Development or the Secretary's designee.

''(B) 1 member shall be appointed from among 3 individuals recommended by the Secretary of Health and Human Services or the Secretary's designee.

''(C) 1 member shall be appointed from among 3 individuals recommended by the Secretary of the Treasury or the Secretary's designee.

''(D) 4 members shall be appointed from among 12 individuals recommended jointly by the Speaker of the House of Representatives, the Majority Leader of the Senate, Minority Leader of the House of Representatives, the Minority Leader of the Senate.

''(2) QUALIFICATIONS OF CONGRESSIONALLY RECOMMENDED MEMBERS.—Of the members appointed under paragraph (1)(D)—

''(A) each shall be an individual who actively participates or is employed in the field of child care and has academic, licensing, or other credentials relating to such participation or employment; and

''(B) not more than 2 may be of the same political party.

''(3) TERMS.—Each appointed member of the Commission shall serve for a term of 3 years.

''(4) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

''(5) CHAIRPERSON.—The chairperson of the Commission shall be designated by the President at the time of appointment.

''(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

''(7) VOTING.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

''(8) PROHIBITION ON ADDITIONAL PAY.—Members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Commission.

''(c) FUNCTIONS.—The Commission shall carry out the following functions:

''(1) CERTIFICATION OF COMPLIANCE.—The Commission shall collect such information and make such determinations as may be necessary to determine, for purposes of section 257(d), whether child care and development facilities comply, or will be in compliance within 12 months, with—

''(A) any laws, standards, and requirements applicable to such facilities under the laws of the State, municipality, or other unit of general local government in which the facility is or is to be located, and

''(B) after the effective date of the standards and requirements established under paragraph (2), such standards and requirements,

and shall issue certifications of such compliance.

''(2) ESTABLISHMENT OF STANDARDS.—

''(A) STUDY.—Not later than 12 months after the date on which appointment of initial membership of the Commission is completed, the Commission, in consultation with the Secretary of Housing and Urban Development and the Secretary of Health and Human Services, shall conduct a study to determine the laws, standards, and requirements referred to in paragraph (1)(A) that are applicable in each State. Taking into consideration the findings of the study, the Secretary shall establish standards and requirements regarding child care and development facilities that are designed to ensure that mortgage insurance is provided under section 257 and section 223(h) only for safe, clean, and healthy facilities that provide appropriate care and development services for children.

''(B) PUBLICATION.—The Commission shall issue regulations providing for the standards and requirements established under subparagraph (A) to take effect, for purposes of sections 257(d)(2) and 223(h)(2)(B) and paragraph (1)(B) of this section, not later than 18 months after the date of enactment of this section.

''(3) SMALL PURPOSE LOANS.—The Commission shall, to the extent amounts are made available for such purpose pursuant to subsection (i) and qualified requests are received, make loans, directly or indirectly to providers of child care and development facilities for reconstruction or renovation of such facilities, subject to the following requirements:

''(A) Loans under this paragraph shall be made only for such facilities that are financially and operationally viable, as determined under standards and guidelines to be established by the Commission.

''(B) The aggregate amount of loans made under this paragraph to a single borrower may not exceed $50,000.

''(C) A loan made under this paragraph may not have a term to maturity exceeding 7 years.

''(D) Loans under this paragraph shall bear interest at rates and be made under such other conditions and terms as the Commission shall provide.

''(4) NOTIFICATION.—The Commission shall take such actions as may be necessary to publicize the availability of the programs for mortgage insurance under sections 257 and 223(h) and loans under paragraph (3) of this subsection in a manner that ensures that information concerning such programs will be available to child care providers throughout the United States.

''(5) LIABILITY INSURANCE.—Not later than 12 months after the date on which appointment of initial membership of the Commission is completed, the Commission shall establish standards and guidelines, applicable to mortgage insurance under sections 257 and 223(h) and loans under paragraph (3) of this subsection, requiring child care providers operating child care and development facilities assisted under such provisions to obtain and maintain liability insurance in such amounts and subject to such requirements as the Commission considers appropriate.

''(6) RESEARCH FOUNDATION.—Not later than 12 months after the date of enactment of this section, the Commission shall submit a report to Congress recommending a plan for establishing and funding a foundation that is an entity independent of the Commission (but which maintains association with the Commission), the purpose of which shall be—

''(A) to support research relating to child care and development facilities;

''(B) to fund pilot programs to test innovative methods for improving child care; and

''(C) to engage in activities and publish materials to assist persons interested in mortgage insurance under sections 257 and 223(h) and other assistance provided by the Commission.

''(d) NONDISCRIMINATION REQUIREMENT.—

''(1) IN GENERAL.—The Commission may not certify under subsection (c)(1) or carry out any activities of the Commission with respect to any child care and development facility if the provider of the facility discriminates on account of race, color, religion (subject to paragraph (2)), national origin, sex (to the extent provided in title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.)), or handicapping condition.

''(2) FACILITIES OF RELIGIOUS ORGANIZATIONS.—The prohibition with respect to religion shall not apply to a child care and development facility which is controlled by or which is closely identified with the tenets of a particular religious organization if the application of this subsection would not be consistent with the religious tenets of such organization.

''(3) CERTIFICATION.—As a condition of certification under subsection (c)(1) and eligibility for a loan under subsection (c)(3), the provider of a child care and development facility shall certify to the Commission that the provider does not discriminate, as required by the provisions of paragraph (1) of this subsection.

''(e) POWERS.—

''(1) ASSISTANCE FROM FEDERAL AGENCIES.—The Commission may secure directly from any department or agency of the Federal Government such information as the Commission may require for carrying out its functions. Upon request of the Commission, any such department or agency shall furnish such information.

''(2) ASSISTANCE FROM GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

''(3) ASSISTANCE FROM DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—Upon the request of the Commission, the Secretary of Housing and Urban Development shall, to the extent possible and subject to the discretion of the Secretary, detail any of the personnel of the Department of Housing and Urban Development, on a nonreimbursable basis, to assist the Commission in carrying out its functions under this section.

''(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

''(f) STAFF.—

''(1) EXECUTIVE DIRECTOR.—The Commission shall appoint an executive director of the Board, who shall be compensated at a rate fixed by the Commission, but which shall not exceed the rate established for level I of the Executive Schedule under title 5, United States Code.

''(2) OTHER PERSONNEL.—In addition to the executive director, the Commission may appoint and fix the compensation of such personnel as the Commission considers necessary, in accordance with the provisions of title 5, United States Code, governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

''(g) REPORTS.—Not later than March 31 of each year, the Commission shall submit a report to the President and Congress regarding the operations and activities of the Commission during the preceding calendar year. Each annual report shall include a copy of the Commission's financial statements and such information and other evidence as is necessary to demonstrate that the activities of the Commission during the year for which the report is made. The Commission may also submit reports to Congress and the President at such other times as the Commission deems desirable.

''(h) DEFINITIONS.—For purposes of this section, the terms defined in section 257(i) shall have the same meanings as provided under such section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission to carry out this section $10,000,000 for fiscal year 1999, to remain available until expended, of which not more than $2,500,000 shall be available for administrative costs of the Commission and the remainder of which shall be available only for loans under subsection (c)(3).''.

SEC. 6. STUDY OF AVAILABILITY OF SECONDARY MARKETS FOR MORTGAGES ON CHILD CARE FACILITIES.

(a) STUDY.—The Secretary of the Treasury shall conduct a study of the secondary mortgage markets to determine—

(1) whether such a market exists for purchase of mortgages eligible for insurance under sections 223(h) and 257 of the National Housing Act (as added by this Act);

(2) whether such a market would affect the availability of credit available for development of child care and development facilities or would lower development costs of such facilities; and

(3) the extent to which such a market or other activities to provide credit enhancement for child care and development facilities loans is needed to meet the demand for such facilities.

(b) REPORT.—The Secretary of the Treasury shall submit to Congress a report regarding the results of the study conducted under this section not later than the expiration of the 2-year period beginning on the date of enactment of this Act.●

● Mr. D'AMATO. Mr. President, today I cosponsor the Children's Development Commission Act of 1998. I commend my friend and respected colleague, Senator HERB KOHL for introducing this critical piece of legislation which addresses a serious problem facing American families today—the shortage of affordable, quality child care.

America is facing a shortage of quality child care which is approaching crisis levels. This shortage bears most heavily on working families, including young working single mothers. Every day more than 5 million children under age 13 are left unattended after school. The parents of these children deserve meaningful, affordable child care options.

The high cost of child care impacts directly on families, affecting their ability to pay the rent or mortgage, to put food on the table or to save for their children's education. The lack of decent, high quality child care also impedes the development of critical learning skills these children will need in order to succeed later in life. Social and medical research continues to stress the importance of the first three years of development on a child's well-being and ability to learn.

In New York, the average cost of day care is over $6,000 per year—and many families end up paying nearly $10,000 per year. Many families are unable to locate quality child care at all, as evidenced by the long waiting lists at existing centers. In New York City, approximately 28,000 families are on waiting lists for assistance under the Child Care Development Block Grant Program.

Mr. President, as more families make the difficult transition from welfare to work, waiting lists for affordable care and assistance will likely increase significantly. As a result of welfare reform, by the year 2002, there may be as many as 135,000 additional infants and toddlers in New York who will need affordable quality child care.

These high costs and the overall shortage of quality care are found in all areas of my home State—cutting across urban and rural boundaries. The New York Human Services Administration estimates that more than two-thirds of children in the Morrisania section of the Bronx and more than seventy percent of children in the Brownsville section of Brooklyn are in need of child care.

This shortage extends to rural areas of New York as well—for example, in Allegany, Hamilton, Washington and Yates counties there are no registered programs for school age children. Twenty of my State's sixty two counties have three or fewer registered school-age programs.

The Child Care Development Commission Act will employ a number of cost-effective strategies to increase the availability and affordability of child care throughout the nation.

First, the legislation would reduce lender risk by creating a new insurance authority within the Department of Housing and Urban Development's Federal Housing Administration (FHA). Using this new authority, FHA will provide loan guarantees for child care facilities. This will in turn spur the provision of private capital for the construction of new child care centers, the improvement of existing facilities and the cost of purchasing and installing fire safety equipment.

Second, the Act will create a new streamlined Commission—known informally as ''Kiddie Mac.'' The Commission will provide reasonable low-cost ''micro-loans'' for the renovation and improvement of existing facilities. In addition, the Commission will certify that facilities receiving FHA insurance meet state and local standards, such as licensing and child safety requirements.

Mr. President, The Children's Development Commission Act is an important step in ensuring that child care facilities can gain access to private market credit. Representatives Carolyn Maloney and Richard Baker have introduced companion legislation (H.R. 3637) in the House of Representatives. They deserve our praise for their diligence in addressing this issue.

The Children's Development Commission Act makes an investment in our children, an investment in our families and an investment in our future. I look forward to working with my Senate and House colleagues for its enactment.●

By Ms. MOSELEY-BRAUN:

S. 2179. A bill to amend the International Emergency Economic Powers Act to clarify the conditions under which export controls may be imposed on agricultural products; to the Committee on Banking, Housing, and Urban Affairs.

SELECTIVE AGRICULTURE EMBARGO PROHIBITION ACT OF 1998

Ms. MOSELEY-BRAUN. Mr. President, in January 1980, President Jimmy Carter terminated U.S. shipments of wheat and corn to the Soviet Union in retaliation against the Soviet invasion of Afghanistan. The effect of this embargo on the USSR was limited, but the impact on American farmers was severe, cutting off the market for 17 million tons of U.S. grain and prompting the Soviets to reduce long term reliance on U.S. farm exports.

This action unfairly singled out the agriculture community to shoulder the burden of U.S. foreign policy. Congress quickly responded by limiting the President's power to impose restrictions on agriculture exports. The Export Administration Act, the principal export control statute of the era, was amended to include provisions to prohibit the President from imposing export controls on farm commodities for more than sixty days without Congressional approval.

The Export Administration Act expired August 20, 1994, however, and consequently, the legal protections that prevent the singling out of agriculture exports are no longer in place.

The current statutory vehicle that allows the President to impose economic sanctions is the International Emergency Economic Powers Act, also known by its acronym, IEEPA. The IEEPA allows the President to employ a wide range of sanctions against countries determined to be a threat to U.S. national security, foreign policy, or economy. If the President chooses to act under IEEPA, he can then declare a national emergency, and then is required to report to Congress explaining his actions. Sanctions authorized under IEEPA can continue until the President decides to terminate the emergency, or unless Congress acts to terminate it by joint resolution.

The President enjoys almost unlimited authority under IEEPA. The statute requires the President to consult with Congress on his actions, but this consultation is discretionary, not mandatory. Most importantly, nothing in IEEPA prevents a President from targeting American agriculture as a tool for sanctions or embargos against a foreign nation.

My bill, the Selective Agriculture Embargo Prohibition Act, simply restores the protection against selective embargos that farmers enjoyed before the EAA was allowed to lapse. Under the provisions of my bill, a President who imposes an embargo on agriculture commodities, using the authority provided by IEEPA, must report this action immediately to Congress. The President also must set forth the reasons, in detail, for this action, and specify the period of time, which may not exceed one year, that the agriculture export controls are proposed to be in effect.

My bill allows Congress 60 days after receiving the report to adopt a joint resolution approving the agriculture exports controls. If Congress fails to adopt that resolution within 60 days, then the controls shall cease to be effective upon the expiration of the 60 days.

Entering and expanding into foreign markets is not a simple task. It requires years of extensive work to nurture business relationships, foster consumer confidence and trust, and establish the procedures for effective sales. Destroying foreign markets, by comparison, can occur swiftly and easily, wreaking long-lasting and largely irreparable damage on American industries that have invested the time and money to build a strong consumer base overseas. Those foreign purchasers who cannot rely on American imports will then turn to other sources—our foreign competitors—and shut out American products for good.

That kind of damage was precisely the effect of the 1980 embargo on U.S. agriculture. And given the almost logarithmic increases in U.S. farm exports over the past decade, any sanction or embargo that targets agriculture today would have even greater devastating and permanent effects on the U.S. farm economy. We must ensure that this sort of mistake is never repeated.

There will be critics who argue that my legislation ties the hands of the President. This is not the case. My bill simply ensures that we do not embargo agriculture commodities unless both the President and the Congress are in full agreement. My bill ensures that adequate safeguards are in place so that farm families do not unfairly shoulder the burden of American foreign policy.

This legislation is very similar to the restrictions enacted three times by Congress during consideration of the Export Enhancement Act and later signed into law by President Ronald Reagan. This is a bipartisan bill is also good trade policy, good farm policy, and good economic policy. I urge my colleagues to support the swift passage of this bill in the Senate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Selective Agriculture Embargo Prohibition Act''.

SEC. 2. AGRICULTURAL EXPORT CONTROLS.

The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) is amended—

(1) by redesignating section 208 as section 209; and

(2) by inserting after section 207 the following new section:

''SEC. 208. AGRICULTURAL CONTROLS.

''(a) IN GENERAL.—

''(1) REPORT TO CONGRESS.—If the President imposes export controls on any agricultural commodity in order to carry out the provisions of this Act, the President shall immediately transmit a report on such action to Congress, setting forth the reasons for the controls in detail and specifying the period of time, which may not exceed 1 year, that the controls are proposed to be in effect. If Congress, within 60 days after the date of its receipt of the report, adopts a joint resolution pursuant to subsection (b), approving the imposition of the export controls, then such controls shall remain in effect for the period specified in the report, or until terminated by the President, whichever occurs first. If Congress, within 60 days after the date of its receipt of such report, fails to adopt a joint resolution approving such controls, then such controls shall cease to be effective upon the expiration of that 60-day period.

''(2) APPLICATION OF PARAGRAPH (1).—The provisions of paragraph (1) and subsection (b) shall not apply to export controls—

''(A) which are extended under this Act if the controls, when imposed, were approved by Congress under paragraph (1) and subsection (b); or

''(B) which are imposed with respect to a country as part of the prohibition or curtailment of all exports to that country.

''(b) JOINT RESOLUTION.—

''(1) IN GENERAL.—For purposes of this subsection, the term 'joint resolution' means only a joint resolution the matter after the resolving clause of which is as follows: 'That, pursuant to section 208 of the International Emergency Economic Powers Act, the President may impose export controls as specified in the report submitted to Congress on _____.', with the blank space being filled with the appropriate date.

''(2) INTRODUCTION.—On the day on which a report is submitted to the House of Representatives and the Senate under subsection (a), a joint resolution with respect to the export controls specified in such report shall be introduced (by request) in the House of Representatives by the chairman of the Committee on International Relations, for himself and the ranking minority member of the Committee, or by Members of the House designated by the chairman and ranking minority member; and shall be introduced (by request) in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate. If either House is not in session on the day on which such a report is submitted, the joint resolution shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session.

''(3) REFERRAL.—All joint resolutions introduced in the House of Representatives and in the Senate shall be referred to the appropriate committee.

''(4) DISCHARGE OF COMMITTEE.—If the committee of either House to which a joint resolution has been referred has not reported the joint resolution at the end of 30 days after its referral, the committee shall be discharged from further consideration of the joint resolution or of any other joint resolution introduced with respect to the same matter.

''(5) CONSIDERATION IN SENATE AND HOUSE OF REPRESENTATIVES.—A joint resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976. For the purpose of expediting the consideration and passage of joint resolutions reported or discharged pursuant to the provisions of this subsection, it shall be in order for the Committee on Rules of the House of Representatives to present for consideration a resolution of the House of Representatives providing procedures for the immediate consideration of a joint resolution under this subsection which may be similar, if applicable, to the procedures set forth in section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976.

''(6) PASSAGE BY 1 HOUSE.—In the case of a joint resolution described in paragraph (1), if, before the passage by 1 House of a joint resolution of that House, that House receives a resolution with respect to the same matter from the other House, then—

''(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(B) the vote on final passage shall be on the joint resolution of the other House.

''(c) COMPUTATION OF TIME.—In the computation of the period of 60 days referred to in subsection (a) and the period of 30 days referred to in paragraph (4) of subsection (b), there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment of Congress sine die.''.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. 2180. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions; to the Committee on Environment and Public Works.

THE SUPERFUND RECYCLING EQUITY ACT OF 1998

Mr. LOTT. Mr. President, today, I am pleased to join my colleague, Senate Minority Leader DASCHLE, in introducing legislation which removes an unintended yet troublesome legal obstacle to recycling.

It is not a widely known fact that Superfund is biased against recycling. I am confident that the authors of the statute did not intend to favor new materials over those that have been recycled, but we now live with this unintended consequence.

Mr. President, our bill corrects current law and encourages recycling. It simply recognizes that recycling is not disposal and that recyclables are not wastes. Common sense tells us that recycling something is not the same as disposing of it.

Nonetheless, Mr. President, those who sell materials for recycling are being pulled into Superfund cleanups because, under the law, selling recyclable materials is equivalent to ''arranging for disposal.'' Our bill waives Superfund liability for those who are legitimately recycling these goods. Clearly, recycling is not disposal—it is the opposite.

The Superfund Recycling Equity Act is necessary to correct Superfund's fundamental bias against recycled materials. Under current law, recyclable materials, such as paper, glass, plastic, metals and textiles cannot be competitive with new materials. This bill will help level the playing field between the use of recycled goods and competitive virgin raw materials. Currently, suppliers of virgin raw materials face no Superfund liability for contamination caused by their customer. This bill would provide the same waiver to those who sell recyclable materials.

Mr. President, this bill also contains protections to ensure that sham recyclers are unable to benefit from this exemption. In order for recyclers to be relieved of Superfund liability, they must act in an environmentally sound manner and sell their product to manufacturers with environmentally responsible business practices. Considering that most recyclers are currently operating in a reasonable and conscience manner, this should be an easy test.

Mr. President, the Superfund Recycling Equity Act is the product of lengthy negotiations between the federal and state governments, the environmental community and the scrap recycling industry. These negotiations have resulted in a bill that I believe to be both environmentally and fiscally sound.

Americans nationwide have embraced the benefits of recycling. We know that increased recycling means the more efficient use of our natural resources. By removing the threat of Superfund liability for recyclers, we will encourage more recycling.

I hope that my colleagues on both sides of the aisle will lend their support to this targeted and much-needed reform bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Superfund Recycling Equity Act of 1998''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to promote the reuse and recycling of scrap material in furtherance of the goals of waste minimization and natural resource conservation while protecting human health and the environment;

(2) to create greater equity in the statutory treatment of recycled versus virgin materials; and

(3) to remove the disincentives and impediments to recycling created as an unintended consequence of the 1980 Superfund liability provisions.

SEC. 3. CLARIFICATION OF LIABILITY UNDER CERCLA FOR RECYCLING TRANSACTIONS.

(a) CLARIFICATION.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following new section:

''SEC. 127. RECYCLING TRANSACTIONS.

''(a) LIABILITY CLARIFICATION.—As provided in subsections (b), (c), (d), and (e), a person who arranged for recycling of recyclable material shall not be liable under section 107(a)(3) or 107(a)(4) with respect to the material.

''(b) RECYCLABLE MATERIAL DEFINED.—For purposes of this section, the term 'recyclable material' means scrap paper, scrap plastic, scrap glass, scrap textiles, scrap rubber (other than whole tires), scrap metal, or spent lead-acid, spent nickel-cadmium, and other spent batteries, as well as minor amounts of material incident to or adhering to the scrap material as a result of its normal and customary use prior to becoming scrap; except that such term shall not include shipping containers of a capacity from 30 liters to 3,000 liters, whether intact or not, having any hazardous substance (but not metal bits and pieces or hazardous substance that form an integral part of the container) contained in or adhering thereto.

''(c) TRANSACTIONS INVOLVING SCRAP PAPER, PLASTIC, GLASS, TEXTILES, OR RUBBER.—Transactions involving scrap paper, scrap plastic, scrap glass, scrap textiles, or scrap rubber (other than whole tires) shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that all of the following criteria were met at the time of the transaction:

''(1) The recyclable material met a commercial specification grade.

''(2) A market existed for the recyclable material.

''(3) A substantial portion of the recyclable material was made available for use as feedstock for the manufacture of a new saleable product.

''(4) The recyclable material could have been a replacement or substitute for a virgin raw material, or the product to be made from the recyclable material could have been a replacement or substitute for a product made, in whole or in part, from a virgin raw material.

''(5) For transactions occurring 90 days or more after the date of enactment of this section, the person exercised reasonable care to determine that the facility where the recyclable material was handled, processed, reclaimed, or otherwise managed by another person (hereinafter in this section referred to as a 'consuming facility') was in compliance with substantive (not procedural or administrative) provisions of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, storage, or other management activities associated with recyclable material.

''(6) For purposes of this subsection, 'reasonable care' shall be determined using criteria that include (but are not limited to)—

''(A) the price paid in the recycling transaction;

''(B) the ability of the person to detect the nature of the consuming facility's operations concerning its handling, processing, reclamation, or other management activities associated with recyclable material; and

''(C) the result of inquiries made to the appropriate Federal, State, or local environmental agency (or agencies) regarding the consuming facility's past and current compliance with substantive (not procedural or administrative) provisions of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, storage, or other management activities associated with the recyclable material. For the purposes of this paragraph, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activity associated with the recyclable materials shall be deemed to be a substantive provision.

''(d) TRANSACTIONS INVOLVING SCRAP METAL.—

''(1) Transactions involving scrap metal shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that at the time of the transaction—

''(A) the person met the criteria set forth in subsection (c) with respect to the scrap metal;

''(B) the person was in compliance with any applicable regulations or standards regarding the storage, transport, management, or other activities associated with the recycling of scrap metal that the Administrator promulgates under the Solid Waste Disposal Act subsequent to the enactment of this section and with regard to transactions occurring after the effective date of such regulations or standards; and

''(C) the person did not melt the scrap metal prior to the transaction.

''(2) For purposes of paragraph (1)(C), melting of scrap metal does not include the thermal separation of 2 or more materials due to differences in their melting points (referred to as 'sweating').

''(3) For purposes of this subsection, the term 'scrap metal' means bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled, except for scrap metals that the Administrator excludes from this definition by regulation.

''(e) TRANSACTIONS INVOLVING BATTERIES.—Transactions involving spent lead-acid batteries, spent nickel-cadmium batteries, or other spent batteries shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that at the time of the transaction—

''(1) the person met the criteria set forth in subsection (c) with respect to the spent lead-acid batteries, spent nickel-cadmium batteries, or other spent batteries, but the person did not recover the valuable components of such batteries; and

''(2)(A) with respect to transactions involving lead-acid batteries, the person was in compliance with applicable Federal environmental regulations or standards, and any amendments thereto, regarding the storage, transport, management, or other activities associated with the recycling of spent lead-acid batteries;

''(B) with respect to transactions involving nickel-cadmium batteries, Federal environmental regulations or standards are in effect regarding the storage, transport, management, or other activities associated with the recycling of spent nickel-cadmium batteries, and the person was in compliance with applicable regulations or standards or any amendments thereto; or

''(C) with respect to transactions involving other spent batteries, Federal environmental regulations or standards are in effect regarding the storage, transport, management, or other activities associated with the recycling of such batteries, and the person was in compliance with applicable regulations or standards or any amendments thereto.

''(f) EXCLUSIONS.—

''(1) The exemptions set forth in subsections (c), (d), and (e) shall not apply if—

''(A) the person had an objectively reasonable basis to believe at the time of the recycling transaction—

''(i) that the recyclable material would not be recycled;

''(ii) that the recyclable material would be burned as fuel, or for energy recovery or incineration; or

''(iii) for transactions occurring before 90 days after the date of the enactment of this section, that the consuming facility was not

in compliance with a substantive (not procedural or administrative) provision of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, or other management activities associated with the recyclable material;

''(B) the person had reason to believe that hazardous substances had been added to the recyclable material for purposes other than processing for recycling;

''(C) the person failed to exercise reasonable care with respect to the management and handling of the recyclable material (including adhering to customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances); or

''(D) with respect to any item of a recyclable material, the item—

''(i) contained polychlorinated biphenyls at a concentration in excess of 50 parts per million or any new standard promulgated pursuant to applicable Federal laws; or

''(ii) is an item of scrap paper containing at the time of the recycling transaction a concentration of a hazardous substance that has been determined by the Administrator, after notice and comment, to present a significant risk to human health or the environment, or contained that hazardous substance at a concentration at or higher than that determined by the Administrator to present such a significant risk.

''(2) For purposes of this subsection, an objectively reasonable basis for belief shall be determined using criteria that include (but are not limited to) the size of the person's business, customary industry practices (including customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances), the price paid in the recycling transaction, and the ability of the person to detect the nature of the consuming facility's operations concerning its handling, processing, reclamation, or other management activities associated with the recyclable material.

''(3) For purposes of this subsection, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activities associated with recyclable material shall be deemed to be a substantive provision.

''(g) EFFECT ON OTHER LIABILITY.—Nothing in this section shall be deemed to affect the liability of a person under paragraph (1) or (2) of section 107(a). Nothing in this section shall be deemed to affect the liability of a person under paragraph (3) or (4) of section 107(a) with respect to materials that are not recyclable materials as defined in subsection (b) of this section.

''(h) REGULATIONS.—The Administrator has the authority, under section 115, to promulgate additional regulations concerning this section.

''(i) EFFECT ON PENDING OR CONCLUDED ACTIONS.—The exemptions provided in this section shall not affect any concluded judicial or administrative action or any pending judicial action initiated by the United States prior to enactment of this section.

''(j) LIABILITY FOR ATTORNEY'S FEES FOR CERTAIN ACTIONS.—Any person who commences an action in contribution against a person who is not liable by operation of this section shall be liable to that person for all reasonable costs of defending that action, including all reasonable attorney's and expert witness fees.

''(k) RELATIONSHIP TO LIABILITY UNDER OTHER LAWS.—Nothing in this section shall affect—

''(1) liability under any other Federal, State, or local statute or regulation promulgated pursuant to any such statute, including any requirements promulgated by the Administrator under the Solid Waste Disposal Act; or

''(2) the ability of the Administrator to promulgate regulations under any other statute, including the Solid Waste Disposal Act.''.

(b) TECHNICAL AMENDMENT.—The table of contents for title I of such Act is amended by adding at the end the following item:

''SEC. 127. Recycling transactions.''.

Mr. DASCHLE. Mr. President, I am pleased to join the distinguished majority leader in introducing this bill to promote the reuse and recycling of scrap materials. There is broad agreement that more should be done to establish a climate in which businesses are encouraged to recycle scrap materials in an environmentally sound manner. We should make every effort to expand the responsible and beneficial use and reuse of this waste as soon as possible.

While I remain hopeful that bipartisan negotiators will be able to work out differences on broad-based Superfund reform, it appears unlikely that Congress will achieve that goal this year. That is particularly unfortunate, because there are many elements of Superfund reform for which there is agreement and for which we should move forward as expeditiously as possible, including establishing greater incentives for brownfields redevelopment, and providing liability relief to deserving municipalities and small businesses.

There are a number of important Superfund issues on which there continues to be significant disagreement. Despite the fact that resolution of these issues is unlikely in the near-term, we should not allow ourselves to adjourn this year without making a strong effort to enact those reforms on which there is broad agreement.

Therefore, I am very pleased that Senator LOTT has taken the initiative to move forward with this important element of Superfund reform. With enactment of this legislation, we will foster additional scrap recycling in America, thereby reducing the stream of waste materials now sent to landfills and other solid waste management facilities. By doing so, we will help to eliminate the fears of many businesses of potential Superfund liabilities even if they pursue legitimate means to recycle scrap materials. By clarifying the liability rules for recycling transactions under Superfund, this legislation will place recyclers on a more even playing field compared with those who produce goods using virgin materials.

In conclusion, Mr. President, I am pleased to cosponsor this timely legislation with Senator LOTT. This is an important step in providing meaningful reform and clarification to the Superfund law and I encourage all my colleagues to support this effort to promote scrap recycling as soon as possible.

ADDITIONAL COSPONSORS

S. 505

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 505, a bill to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes.

S. 603

At the request of Mr. SPECTER, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 603, a bill to require the Secretary of Agriculture to collect and disseminate statistically reliable information from milk manufacturing plants on prices received for bulk cheese and to provide the Secretary with the authority to require reporting by such manufacturing plants throughout the U.S. on prices received for cheese, butter, and nonfat dry milk.

S. 604

At the request of Mr. SPECTER, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 604, a bill to amend the Agricultural Market Transition Act to require the Secretary of Agriculture to use the price of feed grains and other cash expenses as factors that are used to determine the basic formula price for milk and any other milk price regulated by the Secretary.

S. 1147

At the request of Mr. WELLSTONE, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1147, a bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide for nondiscriminatory coverage for substance abuse treatment services under private group and individual health coverage.

S. 1365

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1482

At the request of Mr. COATS, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1482, a bill to amend section 223 of the Communications Act of 1934 to establish a prohibition on commercial distribution on the World Wide Web of material that is harmful to minors, and for other purposes.

S. 1600

At the request of Mrs. BOXER, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1600, a bill to amend the

Internal Revenue Code of 1986 to waive in the case of multiemployer plans the section 415 limit on benefits to the participant's average compensation for his high 3 years.

S. 1981

At the request of Mr. HUTCHINSON, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of S. 1981, a bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

S. 2078

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 2078, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 2157

At the request of Mr. CLELAND, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Maryland [Ms. MIKULSKI], the Senator from Michigan [Mr. ABRAHAM], the Senator from New York [Mr. D'AMATO], the Senator from Louisiana [Mr. BREAUX], the Senator from Connecticut [Mr. DODD], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Wisconsin [Mr. KOHL], the Senator from Louisiana [Ms. LANDRIEU], the Senator from New Jersey [Mr. TORRICELLI], the Senator from Vermont [Mr. LEAHY], the Senator from Iowa [Mr. GRASSLEY], the Senator from Maine [Ms. SNOWE], the Senator from Iowa [Mr. HARKIN], the Senator from Arkansas [Mr. BUMPERS], the Senator from California [Mrs. FEINSTEIN], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 2157, a bill to amend the Small Business Act to increase the authorized funding level for women's business centers.

SENATE JOINT RESOLUTION 50

At the request of Mr. BOND, the names of the Senator from Nebraska [Mr. HAGEL], the Senator from Oklahoma [Mr. NICKLES], the Senator from Louisiana [Ms. LANDRIEU], the Senator from Oklahoma [Mr. INHOFE], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Alabama [Mr. SESSIONS] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to disapprove the rule submitted by the Health Care Financing Administration, Department of Health and Human Services on June 1, 1998, relating to surety bond requirements for home health agencies under the medicare and medicaid programs.

SENATE RESOLUTION 249—CONGRATULATING THE CHICAGO BULLS ON WINNING THE 1998 NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Ms. MOSELEY-BRAUN (for herself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 249

Whereas the Chicago Bulls, despite injuries to Scottie Pippen and Luc Longley, went 62–20 and tied for the best regular season record in the National Basketball Association;

Whereas the Bulls battled through the playoffs, sweeping the New Jersey Nets and defeating the Charlotte Hornets in 5 games, before beating the Indiana Pacers in 7 games to return to the NBA Finals for the third straight year;

Whereas the Bulls displayed stifling defense throughout the playoffs before beating the Utah Jazz to repeat the 3-peat and win their third consecutive NBA championship, their sixth in the last 8 years;

Whereas head coach Phil Jackson and the entire coaching staff skillfully led the Bulls through an injury riddled 62-win season and a 15–6 playoff run;

Whereas Michael Jordan won his fifth most valuable player award, and he, along with Scottie Pippen, were again named to the NBA's ''All-Defensive First Team'';

Whereas Michael Jordan won his record tenth scoring title and was named the NBA Finals most valuable player for the sixth time in 6 appearances in the finals;

Whereas Scottie Pippen again exhibited his outstanding offensive and defensive versatility, proving himself to be one of the best all-around players in the NBA;

Whereas the quickness, tireless defensive effort, and athleticism of the colorful Dennis Rodman, who won his seventh straight rebounding title, keyed a strong Bulls front line;

Whereas Toni Kukoc displayed his awesome variety of offensive skills in both assisting on, and hitting, several big shots when the Bulls needed them most;

Whereas veteran guard Ron Harper, in shutting down many of the league's top point guards throughout the playoffs, demonstrated the defensive skills that have made him a cornerstone of the league's best defense;

Whereas center Luc Longley frustrated many of the all-star caliber centers that he faced while at times providing a much needed scoring lift;

Whereas Steve Kerr buried several 3-pointers when the Bulls needed them most;

Whereas the outstanding play of Jud Buechler, Scott Burrell, and Bill Wennington and the tenacious defense of Randy Brown, each of whom came off the bench to provide valuable contributions, were an important part of each Bulls victory; and

Whereas the contributions of Dickey Simpkins and rookies Rusty LaRue and Keith Booth, both on the court and in practice, again demonstrated the total devotion of Bulls personnel to the team concept that has made the Bulls one of the great sports dynasties of modern times: Now, therefore, be it

Resolved, That the Senate congratulates the Chicago Bulls on winning the 1998 National Basketball Association championship.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

HUTCHINSON AMENDMENT NO. 2706

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill (S. 2057) to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Add at the end the following new title:

TITLE ___—RADIO FREE ASIA

SEC. ___. SHORT TITLE.

This title may be cited as the ''Radio Free Asia Act of 1998''.

SEC. ___. FINDINGS.

Congress makes the following findings:

(1) The Government of the People's Republic of China systematically controls the flow of information to the Chinese people.

(2) The Government of the People's Republic of China demonstrated that maintaining its monopoly on political power is a higher priority than economic development by announcing in January 1996 that its official news agency Xinhua, will supervise wire services selling economic information, including Dow Jones-Telerate, Bloomberg, and Reuters Business, and in announcing in February of 1996 the ''Interim Internet Management Rules'', which have the effect of censoring computer networks.

(3) Under the May 30, 1997, order of Premier Li Peng, all organizations that engage in business activities related to international computer networking must now apply for a license, increasing still further government control over access to the Internet.

(4) Both Radio Free Asia and the Voice of America, as a surrogate for a free press in the People's Republic of China, provide an invaluable source of uncensored information to the Chinese people, including objective and authoritative news of in-country and regional events, as well as accurate news about the United States and its policies.

(5) Radio Free Asia currently broadcasts only 5 hours a day in the Mandarin dialect and 2 hours a day in Tibetan.

(6) Voice of America currently broadcasts only 10 hours a day in Mandarin and 3 ½ hours a day in Tibetan.

(7) Radio Free Asia and Voice of America should develop 24-hour-a-day service in Mandarin, Cantonese, and Tibetan, as well as further broadcasting capability in the dialects spoken in the People's Republic of China.

(8) Radio Free Asia and Voice of America, in working toward continuously broadcasting to the People's Republic of China in multiple languages, have the capability to immediately establish 24-hour-a-day Mandarin broadcasting to that nation by staggering the hours of Radio Free Asia and Voice of America.

(9) Simultaneous broadcasting on Voice of America radio and Worldnet television 7 days a week in Mandarin are also important and needed capabilities.

SEC. ___. AUTHORIZATION OF APPROPRIATIONS FOR INCREASED FUNDING FOR RADIO FREE ASIA AND VOICE OF AMERICA BROADCASTING TO CHINA.

(a) AUTHORIZATION OF APPROPRIATIONS FOR RADIO FREE ASIA.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for ''Radio Free Asia'' $30,000,000 for fiscal year 1998 and $22,000,000 for fiscal year 1999.

(2) LIMITATIONS.—

(A) Of the funds under paragraph (1) authorized to be appropriated for fiscal year 1998, $8,000,000 is authorized to be appropriated for one-time capital costs.

(B) Of the funds under paragraph (1), $700,000 is authorized to be appropriated for each such fiscal year for additional personnel to staff Cantonese language broadcasting.

(b) AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING TO CHINA AND NORTH KOREA.—In addition to such sums as are otherwise authorized to be appropriated for ''International Broadcasting Activities'' for fiscal years 1998 and 1999, there are authorized to be appropriated for ''International Broadcasting Activities'' $10,000,000 for fiscal year 1998 and $7,000,000 for fiscal year 1999, which shall be available only for enhanced Voice of America broadcasting to China and North Korea.

(c) AUTHORIZATION OF APPROPRIATIONS FOR RADIO CONSTRUCTION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated for ''Radio Construction'' for fiscal years 1998 and 1999, there are authorized to be appropriated for ''Radio Construction'' $10,000,000 for fiscal year 1998 and $3,000,000 for fiscal year 1999, which shall be available only for construction in support of enhanced broadcasting to China.

(2) LIMITATION.—Of the funds under paragraph (1) authorized to be appropriated for fiscal year 1998, $3,000,000 is authorized to be appropriated to facilitate the timely augmentation of transmitters at Tinian, the Commonwealth of the Northern Mariana Islands.

(d) ALLOCATION.—Of the amounts authorized to be appropriated for ''International Broadcasting Activities'', the Director of the United States Information Agency and the Board of Broadcasting Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(e) ALLOCATION OF FUNDS FOR NORTH KOREA.—Of the funds under subsection (b), $2,000,000 is authorized to be appropriated for each fiscal year for additional personnel and broadcasting targeted at North Korea.

SEC. ___. REPORTING REQUIREMENT.

Not later than 90 days after the date of enactment of this Act, in consultation with the Board of Broadcasting Governors, the President shall prepare and transmit to Congress a report on a plan to achieve continuous broadcasting of Radio Free Asia and Voice of America to the People's Republic of China in multiple major dialects and languages.

SEC. ___. UTILIZATION OF UNITED STATES INTERNATIONAL BROADCASTING SERVICES FOR PUBLIC SERVICE ANNOUNCEMENTS REGARDING FUGITIVES FROM UNITED STATES JUSTICE.

United States international broadcasting services, particularly the Voice of America, shall produce and broadcast public service announcements, by radio, television, and Internet, regarding fugitives from the criminal justice system of the United States, including cases of international child abduction.

NATIONAL TOBACCO POLICY AND YOUTH SMOKING REDUCTION ACT

FORD (AND OTHERS) AMENDMENT NO. 2707

Mr. FORD (for himself, Mr. HOLLINGS, and Mr. ROBB) proposed an amendment to amendment No. 2437 proposed by Mr. DURBIN to the bill (S. 1415) to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes; as follows:

At the end of the amendment, insert the following:

SEC. . INAPPLICABILITY OF TITLE XV.

The provisions of Title XV shall have no force and effect.

SEC. . ASSISTANCE FOR PRODUCERS EXPERIENCING LOSSES OF FARM INCOME.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, from amounts made available under section 451(d), the Secretary of Agriculture shall use up to $250,000,000 for each of fiscal years 1999 through 2004 to establish a program to indemnify eligible producers that have experienced, or are experiencing, catastrophic losses in farm income during any of the 1997 through 2004 crop years, as determined by the Secretary.

(b) GROSS INCOME AND PAYMENT LIMITATIONS.—In carrying out this section, the Secretary shall, to the maximum extent practicable, use gross income and payment limitations established for the Disaster Reserve Assistance Program under section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a).

(c) EFFECT ON OTHER PAYMENTS.—None of the payments made under this section shall limit or alter in any manner the payments authorized under section 1021 of this Act.

ASSISTIVE AND UNIVERSALLY DESIGNED TECHNOLOGY IMPROVEMENT ACT FOR INDIVIDUALS WITH DISABILITIES

BOND AMENDMENT NO. 2708

(Ordered referred to the Committee on Labor and Human Resources.)

Mr. BOND submitted an amendment intended to be proposed by him to the bill (S. 2173) to amend the Rehabilitation Act of 1973 to provide for research and development of assistance technology and universally designed technology, and for other purposes; as follows:

At the end of the bill add the following:

SEC. 8. TAX INCENTIVES FOR ASSISTIVE TECHNOLOGY.

(a) ASSISTIVE TECHNOLOGY DEVELOPMENT BUSINESS TAX CREDIT.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following:

''SEC. 45D. CREDIT FOR ASSISTIVE TECHNOLOGY.

''(a) GENERAL RULE.—For purposes of section 38, the assistive technology credit of any taxpayer for any taxable year is an amount equal to so much of the qualified assistive technology expenses paid or incurred by the taxpayer during such year as does not exceed $100,000.

''(b) QUALIFIED ASSISTIVE TECHNOLOGY EXPENSES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified assistive technology expenses' means expenses for the design, development, and fabrication of assistive technology devices.

''(2) ASSISTIVE TECHNOLOGY DEVICE.—The term 'assistive technology device' means any item, piece of equipment, or product system, including any item acquired commercially off the shelf and modified or customized by the taxpayer, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

''(3) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities'' has the meaning given the term by section 3 of the Technology Related Assistance for Individuals with Disabilities Act of 1988 (29 U.S.C. 2202).

''(c) NO DOUBLE BENEFIT.—Any amount taken into account under section 41 may not be taken into account under this section.

''(d) TERMINATION.—This section shall not apply to any amount paid or incurred after December 31, 2003.''.

(2) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', plus'', and by adding at the end the following:

''(13) the assistive technology credit determined under section 45D(a).''.

(3) TRANSITIONAL RULE.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules) is amended by adding at the end the following:

''(9) NO CARRYBACK OF SECTION 45D CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the assistive technology credit determined under section 45D(a) may be carried back to a taxable year ending before January 1, 1999.''.

(4) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Sec. 45D. Credit for assistive technology.''.

(5) EVALUATION OF EFFECTIVENESS OF CREDIT.—The Secretary of the Treasury shall evaluate the effectiveness of the assistive technology credit under section 45D of the Internal Revenue Code of 1986, as added by this subsection, and report to the Congress the results of such evaluation not later than January 1, 2003.

(b) EXPANSION OF ARCHITECTURAL AND TRANSPORTATION BARRIER REMOVAL DEDUCTION.—

(1) IN GENERAL.—Section 190 of the Internal Revenue Code of 1986 is amended—

(A) by inserting ''and qualified communications barrier removal expenses'' after ''removal expenses'' in subsections (a)(1),

(B) by adding at the end of subsection (b) the following:

''(4) QUALIFIED COMMUNICATIONS BARRIER REMOVAL EXPENSES.—

''(A) IN GENERAL.—The term 'qualified communications barrier removal expense' means a communications barrier removal expense with respect to which the taxpayer establishes, to the satisfaction of the Secretary, that the resulting removal of any such barrier meets the standards promulgated by the Secretary and set forth in regulations prescribed by the Secretary. Such term shall not include the costs of general communications system upgrades or periodic replacements that do not heighten accessibility as the primary purpose and result of such replacements.

''(B) COMMUNICATIONS BARRIER REMOVAL EXPENSES.—The term 'communications barrier removal expense' means an expenditure for the purpose of identifying and implementing alternative technologies or strategies to remove those features of the physical, information-processing, telecommunications equipment or other technologies that limit the ability of handicap individuals to obtain, process, retrieve, or disseminate information that nonhandicapped individuals in the same or similar setting would ordinarily be expected and be able to obtain, retrieve, manipulate, or disseminate.'', and

(C) by striking ''**and transportation**'' in the heading and inserting '', **transportation, and communications**''.

(2) CONFORMING AMENDMENT.—The item relating to section 190 in the table of sections for part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking ''and transportation'' and inserting '', transportation, and communications''.

(c) EXPANSION OF WORK OPPORTUNITY CREDIT.—Section 51(c) of the Internal Revenue Code of 1986 (defining wages) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following:

''(4) ASSISTIVE TECHNOLOGY EXPENSES.—

''(A) IN GENERAL.—The term 'wages' includes expenses incurred in the acquisition and use of technology—

''(i) to facilitate the employment of any individual, including a vocational rehabilitation referral; or

''(ii) to provide a reasonable accommodation for any employee who is a qualified individual with a disability, as such terms are defined in section 101 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111).

''(B) REGULATIONS.—The Secretary shall by regulation provide rules for allocating expenses described in subparagraph (A) among individuals employed by the employer.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

INOUYE AMENDMENT NO. 2709

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill, S. 2057, supra; as follows:

On page 76, between lines 7 and 8, insert the following:

SEC. 349. AUTHORITY TO PAY CLAIMS OF CERTAIN CONTRACTOR EMPLOYEES.

Of the amount authorized to be appropriated by section 301, $300,000 shall be available to the Secretary of the Navy for the purpose of paying claims of former employees of Airspace Technology Corporation for unpaid back wages and benefits for work performed by the employees of that Corporation under Department of the Navy contracts N000600–89–C–0958, N000600–89–C–0959, N000600–90–C–0894, and DAAB–07–89–C–B917.

● Mr. INOUYE. Mr. President, my amendment will provide the Secretary of the Navy with authority to use up to $300,000 in funds available for operations and maintenance in fiscal year 1999 to pay unpaid back wages and benefits to former employees by Airspace Technology Corporation. The 141 employees affected by this case, from Hawaii, California, Guam and Oklahoma, have gone unpaid for their services due to bankruptcy of the corporation and an error in the Navy's disbursement of monies due the corporation.

I am introducing the amendment in response to constituent requests. In addition, the Navy is willing to make the payment, but has indicated that legislative authority is needed to disburse the funds.●

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GORTON. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet on Tuesday, June 16, 1998, at 10 a.m. in open session, to consider the nominations of Mr. Louis E. Caldera, to be Secretary of the Army and Mr. Daryl Jones, to be secretary of the Air Force.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, June 16, 1998, at 2:30 p.m. on music lyrics.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 16, 1998, at 10 a.m., 2:30 p.m., and 4 p.m. to hold three hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, June 16, 1998, at 10 a.m. in room 216 of the Senate Hart office building to hold a hearing on: ''Mergers and Corporate Consolidation in the New Economy.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. GORTON. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, June 16, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 1398, the Irrigation Project Contract Extension Act of 1997; S. 2041, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Willow Lake Natural Treatment System Project for the reclamation and reuse of water, and for other purposes; S. 2087, the Wellton-Mohawk Title Transfer Act of 1998; S. 2140, a bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project; S. 2142, the Pine River Project Conveyance Act; H.R. 2165, an Act to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 3862 in the State of Iowa, and for other purposes; H.R. 2217, an Act to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 9248 in the State of Colorado, and for other purposes; and H.R. 2841, an Act to extend the time required for the construction of a hydroelectric project.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TELEMARKETING FRAUD

● Mr. KYL. Mr. President, I would like to say a few words on the subject of telemarketing fraud. In particular, I will discuss the severity of telemarketing fraud, the House and Senate telemarketing fraud bills, and the United States Sentencing Commission's recently proposed amendments to the sentencing guidelines.

At the outset, I would like to commend Representative GOODLATTE for his sponsorship of H.R. 1847 and for his leadership in combating telemarketing fraud.

TELEMARKETING FRAUD IS A SERIOUS PROBLEM

Mr. President, I would like to take a few minutes to describe the severity of the problem of telemarketing fraud. According to Maryland Attorney General J. Joseph Curran, Jr., telemarketing fraud is probably the fastest growing illegal activity in this country. Senior citizens appear to be the most vulnerable to chicanery of this kind. Fred Schulte, an investigating editor for the Fort Lauderdale Sun-Sentinel and an expert on telemarketing fraud, has pointed out that senior citizens are often too polite or too lonely not to listen to the voice on the other end of the line. As one telemarketing con man who has worked all over the country put it: ''People are so lonely, so tired of life, they can't wait for the phone to ring. It's worth the $300 to $400 to them to think that they got a friend. That's what you play on.''

These criminals prey on the vulnerable of our society. In one case, Nevada authorities arrested a Las Vegas telemarketer on a charge of attempted theft. The telemarketer was accused of trying to persuade a 92-year-old Kansas man who had been fraudulently declared the winner of $100,000 to send $1,900 by Western Union in advance to

collect his prize. Another example: a Maine company showed real telemarketing creativity. For $250, the so-called Consumer Advocate Group offered to help consumers recover money lost to fraudulent telemarketers—but it provided no services, according to Wisconsin Attorney General James Doyle, who sued the Maine firm plus four other telemarketers.

In 1996, more than 400 individuals were arrested by law-enforcement officials working on Operation Senior Sentinel. Retired law-enforcement officers and volunteers, recruited by AARP, went undercover to record sales pitches from dishonest telemarketers. Volunteers from the 2-year-long Operation Senior Sentinel discovered various telemarketing schemes. Some people were victimized by phony charities or investment schemes. Others were taken in by so-called premium promotions in which people were guaranteed one of four or five valuable prizes but were induced to buy an overpriced product in exchange for a cheap prize. One of the most vicious scams preyed on those who had already lost money. Some telemarketers charged a substantial fee to recover money for those who had been victimized previously—and proceeded to renege on the promised assistance. By the time the dust settled, it took the Justice Department, the FBI, the FTC, a dozen U.S. attorneys and state attorneys general, the Postal Service, the IRS, and the Secret Service to arrest over 400 telemarketers in five states, including my home state of Arizona.

Clearly telemarketing fraud is on the rise. It is estimated that eight out of ten households are targets for telemarketing scams that bilk us of up to $40 billion annually. There are many seniors in my state and across the country who must be protected against this type of fraudulent activity. According to Attorney General Reno, it is not uncommon for senior citizens to receive as many as five or more high-pressure phone calls a day. Mr. President, malicious criminal activity like this must be punished appropriately.

THE HOUSE- AND SENATE-PASSED BILLS

The House and the Senate have passed bills which direct the U.S. Sentencing Commission to increase penalties for those who purposefully defraud vulnerable members of our society. The House bill, which passed by a voice vote, increases sentences by four levels for general telemarketing fraud, and by eight levels if the telemarketing fraud either victimized ten or more persons over age 55 or targeted persons over age 55.

The Senate-passed bill, which was approved unanimously, requires the Sentencing Commission to ''provide for substantially increased penalties'' for those convicted of telemarketing fraud offenses. I repeat: ''substantially increased penalties.'' This language was carefully chosen; a two level increase is not substantial. The Senate-passed bill also requires the Commission to ''provide an additional appropriate sentencing enhancement if the offense involved sophisticated means, including but not limited to sophisticated concealment efforts, such as perpetrating the offense from outside the United States.'' Further, the Senate-passed bill requires the Commission to provide an additional appropriate sentencing enhancement for cases in which a large number of vulnerable victims . . . are affected by a fraudulent scheme or schemes.'' These provisions were carefully crafted to ensure that those perpetrating telemarketing scams would be severely punished.

THE SENTENCING COMMISSION'S PROPOSED ENHANCEMENTS

The United States Sentencing Commission recently issued an amendment that would increase by two offense levels—the smallest possible increase—the penalties for fraud offenses that use mass-marketing to carry out fraud. The amendment would also provide a two level enhancement in the fraud guideline if (i) the defendant relocated, or participated in relocating, a fraudulent scheme to another jurisdiction to evade law enforcement or regulatory officials; (ii) a substantial part of a fraudulent scheme was committed from outside the United States; or (iii) the offense otherwise involved sophisticated concealment.

These proposed amendments are a step in the right direction, but the step is too small. In addition to these enhancements, the Sentencing Commission should, as the Senate-passed bill says, substantially increase the penalties for telemarketing fraud.

CONCLUSION

Telemarketing fraud is a serious problem. The Sentencing Guidelines should reflect this but they do not. From the House- and Senate-passed bills, it should have been clear to the Sentencing Commission that Congress wanted significant increases in the guidelines, not the minor ones included in the Commission's proposed amendments.●

LEAGUE OF WOMEN VOTERS RETIRING PRESIDENT, BECKY CAIN

● Mr. ROCKEFELLER. Mr. President, I rise today to recognize Becky Cain as she prepares to retire from an outstanding six year term as president of the League of Women Voters. Becky Cain has shown remarkable leadership for the League and her community of Charleston, West Virginia as well as a strong dedication for the well being of the people of her state and her nation.

For generations, the League of Women Voters has had a tradition of working for campaign finance reform, defending the National Voter Registration Act, working for consumer protection legislation for health care, ensuring health care for seniors by protecting and enhancing Medicare, and protecting Clean Air standards, and strengthening the United Nations by providing adequate funding. This is an organization of leaders, and Becky Cain is certainly a great leader among leaders.

As the volunteer head of the League of Women Voters, Becky Cain has been an articulate and committed spokersperson for citizens' interest in government. Under her direction, the League has been the leader in the passage of the National Voter Registration Act and has been stalwart in continuing efforts to preserve and strengthen this important legislation.

Under her leadership one of the priorities of the League has been a comprehensive, nationwide campaign entitled, ''Making Democracy Work.'' This effort, involving different branches of the League and civic leaders in over 1,000 communities across the nation, is a long term effort to engage citizens in the important issues affecting them, to strengthen our democracy at the community level as well as bringing a diverse group of citizens together to face a larger challenge that faces us as a nation.

Finally, I would like to thank Becky Cain and volunteers like her who give of themselves so selflessly for the good of their community, their state, and our nation.●

RUTHERFORD ELEMENTARY SCHOOL

● Mr. SANTORUM. Mr. President, on May 30, the Rutherford Elementary School Memorial Committee commemorated the history of the Rutherford Elementary School. I rise today to mark the closing of this building.

The community of Rutherford has been served for 89 years by the current elementary school, which is scheduled for demolition. Amidst music, civic organizational displays, and food vendors, students past and present gathered to reflect on their childhood experiences. Members of Rutherford's first class still fondly reminisce about the ''good old days.''

Mr. President, the Rutherford Elementary School symbolizes strength and continuity in education. I ask my colleagues to join me in acknowledging this memorial.●

TENTH ANNIVERSARY OF GREENWICH SCHOOL AGED CHILD CARE, INC.

● Mr. DODD. Mr. President, I rise to today in honor of the tenth anniversary of the founding of Greenwich School Age Child Care in my home state of Connecticut.

As you know, child care has been a top legislative priority for me during my tenure in the Senate. After numerous hearings, debates, forums, and even passage of the Child Care and Development Block Grant (CCDBG) Act that I authored in 1990, I know that our country's working families continue to struggle with the issue of child care. Thousands of low-income children are

on waiting lists for affordable child care, and much of what is available is of poor quality. Every day, parents face tough decisions about how their children will be cared for when they can't be with them.

Ten years ago, in response to the child care needs expressed by the community, Greenwich School Age Child Care was created by a small, dedicated group of parents who understood the importance of safe, high quality child care services. At that time, there were no available services for before- and after-school child care within the community's schools. Since that time, the effort has grown from one school-age child care program in North Mianus Elementary School, to programs in all 10 public elementary schools. All of these programs accept children in grades kindergarten through fifth grade, in most instances offer both before- and after-school programs, and are open for the entire school year. This enables working parents to leave their child at 7:30 a.m. and return up to 6:00 p.m., knowing that their child will receive healthy snacks and loving care in a stimulating environment right in the school.

I share the belief of Greenwich School Age Child Care that quality child care should be available to all low income and disadvantaged families who need it. Greenwich School Age Child Care is to be commended for their innovative efforts to make available quality child care affordable. The scholarship fund they established through the Board of Education, private donations, and CCDBG dollars is critical for low-income families who otherwise could not afford a safe and educational environment for their children.

I am proud to be a member of the Greenwich School Age Child Care advisory board. I cannot emphasize strongly enough that their investment in quality child care pays off many times over, in terms of both the employment productivity of parents and the safety and well-being of children. I congratulate Greenwich School Age Child Care on the huge success of their first ten years, and wish them continued, long lasting success in the years to come.●

CONSUMERS REAP THE BENEFITS OF OPEN COMPETITION

● Mr. ASHCROFT. Mr. President, the economist Milton Friedman once wrote: 'Underlying most arguments against a free market is a lack of belief in freedom itself.' Demonstrating its belief in freedom the 104th Congress passed the pro-competition Telecommunications Act of 1996. The Hudson Institute has recently released a study of the cable industry since the new law has taken effect. The study has found what those of us that believe in a free market have always known: consumers reap the benefits of open competition. I submit it for the RECORD a copy of the executive summary for review. It is a pleasure to deliver further affirmation of the free market system.

The material follows:

EXECUTIVE SUMMARY—THE ROLE OF COMPETITION AND REGULATION IN TODAY'S CABLE TV MARKET

In late 1997 and early 1998, concerns have been raised among regulators, members of Congress, and consumer groups regarding cable television rates. This study analyzes the rationale for new efforts by the FCC to limit rates or impose other regulations on the cable television industry in response to such concerns. It examines the historical record of cable regulation, takes a new look at the state of competition for multichannel video programming, reviews the important capital investment in new digital services by the industry, and assesses the possible impact of new price controls on competition in the wider telecommunications market, including Internet access, telephony, and video programming.

The study finds that, despite current market share of around 85.6 percent (falling to around 75 percent by 2002); dynamic services offered by Direct Broadcast Satellite (DBS), broadcast television, and other multichannel video delivery systems provide substantial and growing competition for cable television. More than 65 percent of households can receive six or more broadcast channels with a suitable antenna. For many households, DBS offers greater levels of service at prices comparable to, or lower than, cable's. DBS appears to provide a good substitute for cable even after accounting for up-front equipment costs. Competing cable systems (overbuilds and Satellite Master Antenna TV) have become cost-effective and are growing rapidly, especially in the Midwest and Northeast.

The study also finds that past cable regulation, especially rate controls, provided little or no benefit to consumers, and in fact harmed consumers by inducing lower quality of service. On the other hand, periods of less regulation, such as the years between 1984 and 1990, stimulated production of greater quality and wider choice of programming for consumers, produced steady increases in demand for cable, and produced net consumer welfare gains of $3 billion to $6.5 billion per year.

Finally, the evidence shows that the cable industry is in the midst of investing up to $28 billion to improve its infrastructure, including over $1 billion per year to convert to interactive digital services. The entry of cable firms into new businesses such as telephony, Internet, and digital video is improving consumer choice and reducing prices for these services, especially to residential customers; spurring a competitive response from the telephone industry to upgrade its data transmission capabilities; and giving a boost to the introduction of digital television and to competition in the Internet business. An imposition of rate controls similar to those of 1993 and 1994 would undermine the financial basis for the cable industry to enter these new businesses in the near term, and hence weaken competition in the wider telecommunications market place.●

LUCILLE SMITH WATKINS

● Mr. ROCKEFELLER. Mr. President, I would like to take a moment to recognize an outstanding teacher, mentor, and West Virginian—Ms. Lucille Smith Watkins. For almost 50 years, Lucille has taught at Logan County Elementary School with unmatched enthusiasm. At 73, she is still fiercely committed to teaching and harbors no intention of quitting, saying ''I like getting up and going to teach every day. The children seem to do real well. When I feel like I'm not helping them anymore, I'll retire.''

Lucille credits her family for instilling an early appreciation and love for education—influenced by the sacrifices and efforts that they exerted in order to make higher education a possibility for herself and her six brothers and sisters. Her early love of education blossomed into a consuming lifelong passion of service to the school as she has often found herself cooking and buying groceries for the school along with teaching.

Her outstanding commitment to teaching hasn't gone unnoticed in the state. On May 5, she received the very first Lucille Smith Watkins Award, an award in her honor presented annually by her school to the county's outstanding educator. On May 8, she won the Mary L. Williams black educator award during a West Virginia Education Association conference in Charleston. Yet, these awards and honors cannot match her smiles and pride for the achievements of her students. Beaming with price about her student's recent Young Writer's Award and her students' trophy for perfect attendance in her classroom, Lucille is a testament to her own love of teaching, and most importantly her love of her students.

There is no better way to make a profoundly lasting impact upon the future than through nurturing the mind of a young child. Lucille is a refreshing example of the strength and endurance of one woman's attempt to make a difference. Speaking for the citizens of West Virginia, I am proud to have such an outstanding woman in our state and challenge others to strive to affect and mold the lives of children as successfully as she has.●

TRIBUTE TO MR. HERMAN C. WRICE

● Mr. SANTORUM. Mr. President, I rise today to recognize the outstanding drug and crime fighting efforts of Mr. Herman C. Wrice.

Mr. Wrice, once called the ''John Wayne of Philadelphia'' by President Bush, is one of today's most effective non-violent community activists. His grassroots approach to cracking down on drugs and crime has been successful in cities, towns, and Indian reservations across the country. Herman's career as a social activist began in the late 1960's after a personal tragedy; his wife, Jean, was caught in gang crossfire at a local supermarket.

Mr. Wrice's organization, Turn Around America, unites ordinary citizens and police who are determined to take back their neighborhoods. They organize street marches and all-night vigils at identified drug houses to separate drug dealers from their customers.

This partnership depends on trust, cooperation, and mutual respect. Citizen efforts enhance, but do not replace, law enforcement efforts. I am pleased to say that Turn Around America has yielded impressive results. In neighborhoods where demonstrations have taken place, crack houses have closed. Children play in parks that were once littered with drug paraphernalia. The number of drug-related arrests have risen, several of which were directly linked to citizen involvement. Even veteran police officers have been inspired by Herman's anti-drug crusade.

Mr. Wrice's relentless efforts to fight crime and violence have received widespread attention. Villanova University honored him with an honorary doctorate degree for his activism. His programs have been described in many publications, including the Wall Street Journal, the New York Times, Readers Digest, Policy Review, and Philadelphia Magazine. Mr. Wrice and his anti-crime program were even featured on 60 Minutes. This exposure led to requests for training from over 200 cities and towns across the country. In 1994, Herman was one of six activists to receive an America's Award for Courage during special ceremonies at the Kennedy Center. The following year, he was named a Join Together Fellow by the Robert Wood Johnson Foundation. On a local level, Herman has been a two-time recipient of the Mayor's Outstanding Citizen Award, and a three time honoree as the Junior Chamber's Outstanding Young Man of the Year. Finally, he has received the Freedom Foundation's Citizenship Award, the NAACP Unsung Hero's Award, and was named the Citizen Crime Commission's Crime Fighter of the Year.

Mr. President, Herman C. Wrice is a man with a purpose. He has dedicated his life to community service, and he has made a difference. He has worked to make the streets safe for neighborhood children, and he has raised 17 of his own—11 of whom were adopted. I ask my colleagues to join me in honoring Mr. Wrice and in extending the Senate's best wishes to his family.●

CONGRATULATING THE CHICAGO BULLS ON WINNING THE 1998 NBA CHAMPIONSHIP

Mr. LUGAR. On behalf of the leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 249 introduced earlier today by Senators MOSELEY-BRAUN and DURBIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The resolution (S.Res. 249) to congratulate the Chicago Bulls on winning the 1998 National Basketball Association Championship.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

MS. MOSELEY-BRAUN. Mr. President, I would like to take a few minutes today to join the citizens of the city of Chicago and the entire state of Illinois, as well as Bulls fans around the world, in congratulating the Chicago Bulls for winning a sixth National Basketball Association championship. The Bulls defeated the Utah Jazz 87–86 in game six of the finals this past Sunday in Salt Lake City.

One of the true joys of my life over the last several years has been to watch Michael Jordan, Scottie Pippen, Phil Jackson and the rest of the Bulls continually define excellence in team basketball. Considered by some to have been underdogs in this year's series against the Utah Jazz, the Bulls persevered and wrote yet another fantastic chapter in one of the greatest stories in professional sports.

Without a doubt, the Bulls' repeat-3peat would not have been possible without the star performance of Michael Jordan. His play throughout the season defined what it means to be a champion, and his 45 points and last-second winning shot on Sunday night ensured that his team remained champions. Once again, Michael Jordan has defined excellence. Once again, he has defined competitiveness and leadership. Once again, he and all of the Bulls have shown us that hard work, teamwork, talent and desire will produce victory.

Complementing Michael Jordan this year, as he has so skillfully done for each of the Bulls' championships, was forward Scottie Pippen. Despite being injured for much of the first half of the season and suffering with a severely strained back in game six, Scottie Pippen demonstrated through his outstanding offensive and defensive play that he too has the heart of a champion.

Mr. President, I would also like to recognize the flamboyant and talented play of Dennis Rodman. Like Michael Jordan and Scottie Pippen, Dennis Rodman has been a key reason for the Bulls' success. His harshest critics cannot take away his five NBA championships, two with the Detroit Pistons and three with the Bulls, or his seven consecutive NBA rebounding titles.

I would also like to highlight the accomplishments of Toni Kukoc, whose play often provided the boost to take the Bulls to victory. He was always there with a big shot when one was most needed. Ron Harper is another player who made many invaluable contributions during the Bulls' championship run. His defensive play throughout the playoffs shut down many of the league's best point guards.

Steve Kerr, Luc Longley, Randy Brown, Scott Burrell, Bill Wennington, Jud Buechler and Dickey Simpkins all played important roles in the Bulls' championship drive. Their contributions further demonstrated Phil Jackson's masterful coaching skills. His intelligent, deliberative and team-oriented approach to the game allowed his players to transcend the individual and operate as a unit.

Mr. President, I would also like to congratulate Jerry Reinsdorf and Jerry Krause for once again fielding an NBA championship team. This is an outstanding victory in which they can take great pride.

In congratulating the Bulls for winning a sixth NBA title in eight years, I also want to compliment the Utah Jazz for their spirited play and sportsmanship. This Jazz team gave the Bulls their toughest challenge in any of their six championships. Karl Malone and John Stockton are both certainly Hall of Fame players.

Mr. President, the state of Illinois can also take special pride in the accomplishments of the Utah Jazz because the coach of the Jazz, Jerry Sloan, is a product of our state. The McLeansboro native not only hails from Illinois, but also had a storied career with the Bulls. I would like to thank Jerry Sloan and his team for a thrilling finals series.

I have one last thought, Mr. President, and in expressing it, I believe that I speak for Bulls fans everywhere: Let there be seven!

Mr. DURBIN. Mr. President, I rise today to pay tribute to a spectacular team that has propelled itself into the upper echelon of basketball history, the Chicago Bulls. Add a new name to the history books of the National Basketball Association; the Boston Celtics of the 1960s, the Los Angeles Lakers of the 1980s, and undeniably, the Chicago Bulls of the 1990s.

On Sunday, as I watched Game Six with basketball fans and Bulls followers around the world, I was privileged to witness another incredible performance by Michael Jordan and the entire Bulls team. For the sixth time in eight years, in a victory for the ages, the Chicago Bulls are the champions of the National Basketball Association. It is with great honor, pleasure, and pride that I salute and congratulate the entire Chicago Bulls organization.

As a columnist for the Chicago Sun-Times noted, ''We live in the right city at the right time.'' It is simple yet so true. No other team in any sport has been able to show the dominance and consistency that the Bulls have shown. The people of Chicago and Illinois have a special source of pride in the Chicago Bulls and especially in Michael Jordan. This wonderful championship and the five spectacular ones before it are all keepsakes in the hearts and minds of Chicagoans. I know personally that days, weeks, and years from now I will be recounting where I was when the Bulls achieved the ''Six-Pack,'' and I will be doing it with great pride. My grandson Alex, who recently turned two years old, is not quite old enough to realize what the Bulls have accomplished. But make no mistake about it, in the years to come I know he will have a proud grandfather recounting the almost mythical tales of Michael Jordan and telling of the amazing dynasty that they created.

Michael Jordan. What more can possibly be said about him? There are simply no longer any more adjectives to describe his spectacular feats and clutch performances. Super-human? Possibly. The best to ever plan the game of basketball? Positively. In the pivotal Game Six, in a most unfriendly arena, Michael Jordan took his team and the people of ''the city of big shoulders,'' put them all directly on his shoulders and carried them all to the NBA's promised land, the world championship. Jordan, the ambassador of the game of basketball to the world, accomplished what no other player has been able to do. With his unprecedented tenth scoring title and sixth Finals Most Valuable Player award, Jordan has shown the impact he has on the game. But I'm sure that all of the personal accolades are secondary when it comes to the team and to being champions. The true champion puts his team and their success above all and Jordan has done that time and time again.

None of us will forget the courageous performance given by an injured Scottie Pippen. With an injury that would have had anyone else bedridden, he played as well as he possibly could. But more importantly, he provided the emotional lift that the team needed. Again, another example of how being there for your team and your fellow players is ingrained in the hearts of these players, in the hearts of champions.

And of course, the man who keeps it all together and running like a well tuned machine, Phil Jackson. With a combination of years of basketball experience as a player and as a coach, his special relationship with Jordan, Pippen, and the entire team, and a touch of his Zen philosophy, Jackson has been able to lead this team to the apex of the National Basketball Association despite all of the distractions and injuries.

Surely we cannot overlook the contributions of the rest of the team—Dennis Rodman, Ron Harper, Luc Longley, Toni Kukoc, the ''supporting cast'' as they are called. But they are more than that. They are each a critical piece of a puzzle that when fully assembled presents us with an impressive and spectacular sight: Six golden, shinning, championship trophies. Each clutch three point basket by Steve Kerr and Judd Buechler, each suffocating defensive stop by Scott Burrell and Randy Brown, each rebound from Bill Wennington and Dickey Simpkins are essential pieces of the big picture.

We should also acknowledge the impressive job that owner Jerry Reinsdorf has done with this organization from the time he took over as owner, and the sportsmanship and leadership that the Bulls organization has shown through the years.

I could go on and on, but I would like to switch tracks and commend the Utah Jazz for a wonderful and exciting series. The Jazz organization and the fans of Salt Lake City were worthy opponents in this battle and did not go quietly into the night. They made the Bulls give every ounce of heart and determination to win this sixth championship. You could not have asked for more from the Utah Jazz. The Utah fans were the extra player on the bench ready to give their team a needed push. I'm sure that their biggest fan, my colleague Senator ORRIN HATCH, provided the loudest cheers of all. Unfortunately, there can only be one champion. But in my eyes, and the eyes of all basketball fans, Karl Malone, John Stockton, and the entire team earned our respect and admiration. They too are champions and I commend them and wish them the best of luck in returning to the NBA Finals.

As the city of Chicago celebrates another taste of excellence and prepares for another mid-June party in Grant Park, we can only hope that this is not the last we see from this team. But if it was our last opportunity to be graced with the performance of Michael Jordan, Scottie Pippen, and Phil Jackson, the core and heart of this team, then we could not have asked for anything more. They continually gave this city and fans everywhere joy, pride, a glimpse at what it is like to be the best at what you do and to accomplish the ultimate goal. The Chicago Bulls have given millions of fans the chance to live vicariously through them. When the Bulls are champions, the entire city of Chicago and all Bulls fans are also champions. When Jordan steals the ball and makes the game winning shot with five seconds to go, we all make that shot. The Bulls give us hope and pride and the chance to be champions. I salute them for bringing so much to the city of Chicago, and to basketball fans everywhere.

The breath-taking performances that Michael Jordan has graced us with and the six hard-fought championships that the entire team has brought to the city are truly ''unbelieve-a-bull.'' Without question, being successful in all six of their championship endeavors, they were ''unstop-a-bull.'' And their place in history and in the hearts of everyone in Chicago and the world is absolutely ''undeni-a-bull.'' I salute the Chicago Bulls on a wonderful season, and a heart-stopping championship. If this was Michael Jordan's last game then it could not have been scripted any better. It was a fitting, almost storybook ending in which the man who got us there also brought us back victorious. As coach Phil Jackson put it, ''it has been a wonderful ride.'' Indeed it has been. Congratulations to the city of Chicago and the World Champion Chicago Bulls.

Mr. LUGAR. Mr. President, I must comment, in my own congratulations to the Chicago Bulls, with the observation that our Indiana Pacers extended the Bulls to seven games, as the Chair will remember. We are delighted that such a great season occurred in the NBA, and a very worthy team, including, obviously, the Utah Jazz, the ultimate survivors. We congratulate the Bulls on their sixth triumph in 8 years.

I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and any statements relating to the resolution appear in the RECORD in the appropriate place, as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 249) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 249

Whereas the Chicago Bulls, despite injuries to Scottie Pippen and Luc Longley, went 62-20 and tied for the best regular season record in the National Basketball Association;

Whereas the Bulls battled through the playoffs, sweeping the New Jersey Nets and defeating the Charlotte Hornets in 5 games, before beating the Indiana Pacers in 7 games to return to the NBA Finals for the third straight year;

Whereas the Bulls displayed stifling defense throughout the playoffs before beating the Utah Jazz to repeat the 3-peat and win their third consecutive NBA championship, their sixth in the last 8 years;

Whereas head coach Phil Jackson and the entire coaching staff skillfully led the Bulls through an injury riddled 62-win season and a 15–6 playoff run;

Whereas Michael Jordan won his fifth most valuable player award, and he, along with Scottie Pippen, were again named to the NBA's ''All-Defensive First Team'';

Whereas Michael Jordan won his record tenth scoring title and was named the NBA Finals most valuable player for the sixth time in 6 appearances in the finals;

Whereas Scottie Pippen again exhibited his outstanding offensive and defensive versatility, proving himself to be one of the best all-around players in the NBA;

Whereas the quickness, tireless defensive effort, and athleticism of the colorful Dennis Rodman, who won his seventh straight rebounding title, keyed a strong Bulls front line;

Whereas Toni Kukoc displayed his awesome variety of offensive skills in both assisting on, and hitting, several big shots when the Bulls needed them most;

Whereas veteran guard Ron Harper, in shutting down many of the league's top point guards throughout the playoffs, demonstrated the defensive skills that have made him a cornerstone of the league's best defense;

Whereas center Luc Longley frustrated many of the all-star caliber centers that he faced while at times providing a much needed scoring lift;

Whereas Steve Kerr buried several 3-pointers when the Bulls needed them most;

Whereas the outstanding play of Jud Buechler, Scott Burrell, and Bill Wennington and the tenacious defense of Randy Brown, each of whom came off the bench to provide valuable contributions, were an important part of each Bulls victory; and

Whereas the contributions of Dickey Simpkins and rookies Rusty LaRue and Keith Booth, both on the court and in practice, again demonstrated the total devotion of Bulls personnel to the team concept that has made the Bulls one of the great sports dynasties of modern times: Now, therefore, be it

Resolved, That the Senate congratulates the Chicago Bulls on winning the 1998 National Basketball Association championship.

ORDERS FOR JUNE 17, 1998

Mr. LUGAR. Mr. President, on behalf of the leader, I now ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 17. I further ask that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then begin a period of morning business until 10:30 a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator ASHCROFT, 20 minutes; Senator TORRICELLI, 15 minutes; Senator AKAKA, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I further ask unanimous consent that, following morning business, the Senate resume consideration of S. 1415, the tobacco bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LUGAR. Mr. President, for the information of all Senators, the Senate will reconvene tomorrow at 9:30 a.m. and begin a period of morning business until 10:30 a.m. Following morning business, the Senate will resume consideration of the tobacco bill, with a Ford amendment pending regarding the tobacco farmers. Following disposition of the Ford amendment, it is hoped that Members will come to the floor to offer and debate remaining amendments to the tobacco bill. Therefore, rollcall votes are expected throughout Wednesday's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Will the Senator yield for a question so we might understand tomorrow?

Mr. LUGAR. Yes, I am pleased to.

Mr. FORD. I ask the Senator this. We have morning business from 9:30 to 10:30. I didn't hear the Senator. Are we out at 10:30 in recess?

Mr. LUGAR. The unanimous consent agreement was, following morning business, the Senate will resume consideration of the tobacco bill with the Ford amendment pending regarding tobacco farmers.

Mr. FORD. I say to my friend that we can do it a little bit later. I thought when we first talked, there would be a hiatus until whatever time the conference was over. Apparently, now the conference will not occur.

Mr. LUGAR. My understanding is that the conference of the Republicans will occur at 10:30, and the leader will make a decision in the morning with regard to any further motions in relation to that time.

Mr. FORD. I thought at the time you and I could have an agreement, as the two managers here, to make a decision on when we would have that vote, or some time prior that we have a chance to say a few words.

Mr. LUGAR. I will be guided by the leaders.

Mr. FORD. Just to be sure that the two leaders understand what we want then.

Mr. LUGAR. In any event, I am hopeful of attending the meeting at 10:30. I will miss the Senator during that period.

Mr. FORD. I wish I could be a little fly on the wall and listen to it, but I won't be able to do that.

Mr. LUGAR. I understand. I thank the Senator.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LUGAR. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:31 p.m. adjourned until Wednesday, June 17, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 15, 1998:

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

ALBERT K. AIMAR, 0000
MICHAEL T. ANDERSON, 0000
JOHN H. BABSON, 0000
LEE C. BAUER, 0000
JOE H. BRYANT, JR., 0000
LYLE E. CABE, 0000
CONSTANCE L. CALDWELL, 0000
CHARLES M. CAMPBELL, 0000
DAVID B. CASEY, 0000
RANDALL W. CHRISTIANSEN, 0000
RODNEY M. COWELL, 0000
JOHN D. DORNAN, 0000
MARCELINO ESPADA, 0000
TIMOTHY P. FREUND, 0000
ATLEE E. FRITZ, 0000
GERALD T. GARLINGTON, 0000
JAMES L. GILBERT, 0000
ROGER H. HARKINS, 0000
JAMES V. HENNESSEY, 0000
MICHAEL P. HICKEY, 0000
SANDRA J. HIGGINS, 0000
CRAIG E. HODGE, 0000
VERNON W. JAMES, 0000
VAN A. JOHNSON, 0000
LARRY L. KEMP, 0000
CHARLES W. LIPPELGOOS, 0000
DAVID E. LUNDQUIST, 0000
JEFFREY P. LYON, 0000
CARL E. MAGAGNA, 0000
WILLIAM E. MALONE, 0000
JAMES R. MARSHALL, 0000
TIMOTHY J. MC CORMICK, 0000
ROBERT J. MC CUSKER, 0000
LINDA K. MC TAGUE, 0000
CHARLES T. MILLER, 0000
MARK C. MULKEY, 0000
MARK R. NESS, 0000
RICHARD W. NOBLE, 0000
CARL W. OBERG, 0000
DOUGLAS B. ROBINSON, 0000
WILLIAM P. ROBINSON, JR., 0000
JUAN F. ROMANSANTIAGO, 0000
RICHARD M. SABURRO, 0000
KATHLEEN M. SALIBA, 0000
THOMAS L. SAUTTERS, 0000
DANIEL R. SCACE, 0000
DAVID A. SPRENKLE, 0000
PHILIP E. STEEVES, 0000
JOHN R. STRIFERT, 0000
DANIEL P. SWIFT, 0000
EDWARD J. THOMAS, JR., 0000
JAMES P. TOSCANO, 0000
GARY M. TOWNSEND, 0000
GABRIEL V. TREMBLAY, 0000
FRANCIS A. TURLEY, 0000
WILLIAM H. WALKER IV, 0000
FREDERICK L. WALTON, 0000
GEORGE A. WASKOSKY, 0000
JERRY L. WILPER, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C. SECTION 12203:

To be colonel

REGINALD H. BAKER, 0000
WILLIAM S. BAYLES III, 0000
MARK W. BIRCHER, 0000
GARNETT P. BROY, 0000
NANCY J. CHARBONNEAU, 0000
TIMOTHY J. CHRISTENSON, 0000
DONALD COBB, 0000
THOMAS M. COOK IV, 0000
KEVIN W. DONAHUE, 0000
RUSSELL D. DOUDT, 0000
GEORGE W. DUNBAR, 0000
CHARLES J. DYER, JR., 0000
JAMES L. EDWARDS, JR., 0000
CARL R. FAUSER, 0000
WENDY R. FONTELA, 0000
JON L. GANT, 0000
BRUCE R. GRATHWOHL, 0000
GARY N. GRAVES, 0000
CHARLES R. GROSS, 0000
CONRAD C. HILSDORF, 0000
CAROLYN A. HUDSON, 0000
JOHN A. HUTCHISON, 0000
KENNETH A. ICENHOUR, 0000
JAMEEL F. JOSEPH, 0000
KENNETH M. KOBELL, 0000
PAUL A. LADY, 0000
BENJAMIN M. LAFOLLETTE, 0000
JOSEPH C. LONG, 0000
MICHAEL J. MASSOTH, 0000
SUSIE K. MC CALLA, 0000
MICHAEL P. MC CLOSKEY, 0000
DAVID H. MC ELREATH, 0000
CAROL F. MEDEIROS, 0000
DARRELL L. MOORE, 0000
JACQUES J. MOORE, JR., 0000
DONALD E. NELSON, 0000
GERALD D. NIX, 0000
JOSEPH C. NOONE, 0000
EUGENE G. PAYNE, JR., 0000
HAYDEN R. PHILLIPS, JR., 0000
JOSEPH A. RAUSA, 0000
JOHN W. SAPUTO, 0000
JOSEPH A. SCOTTO, 0000
TERRY C. THOMASON, 0000
WILLIAM F. TODD, 0000
LEONARD C. UITENHAM, 0000
JOHN R. VIVIANO, 0000
ROBERT N. WAAGE, 0000
JOHN A. WEIL, 0000
DANIEL M. WELCH, 0000
JAMES L. WILLIAMS, 0000
JAMES J. WITKOWSKI, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be ensign

DAVID ABERNATHY, 0000
JOHN D. ADAMS, 0000
JENNIER L. ALLEN, 0000
LEA H. AMERLING, 0000
CRAIG D. ARENDT, 0000
SCOTT E. ARMSTRONG, 0000
PATRICK R. BALDAUFF, 0000
GENE K. BARNER, 0000
GEORGE C. BOROVINA, 0000
WILLIE D. BROWN, 0000
ROBERT T. BRYAN, 0000
KURT A. BUCKENDORF, 0000
IAN P. BURGOON, 0000
JOSEPH C. BUTNER, 0000
MICHELE CAROLYN, 0000
BRIAN J. CHEYKA, 0000
PHILLIP R. CLEMENT, 0000
JOHN D. CRADDOCK, 0000
J. SCOTT CRAMER, 0000
CRAIG L. DALLE, 0000
JENNIFER N. DELLABARBA, 0000
LANCE B. DETTMANN, 0000
JEFFERY C. DEVINEY, 0000
GREGORY P. DEWINDT, 0000
CURTIS D. DEWITT, 0000
ALPHONSO M. DOSS, 0000
KEITH E. EASTLAND, 0000
MICHAEL L. EGAN, 0000
RONALD FANELLI, 0000
MICHAEL FARNSWORTH, 0000
TODD A. FAUROT, 0000
ANDREW FITZPATRICK, 0000
BRIAN FITZSIMMONS, 0000
DOUGLAS J. FLANNERY, 0000
KOMA B. GANDY, 0000
STEVEN C. GOFF, 0000
BRIAN C. HAHN, 0000
KENNETH E. HARBAUGH, 0000
SEAN J. HAYNES, 0000
KATHRYN E. HITCHCOCK, 0000
JOHN S. HOLZBAUR, 0000
MALCOLM F. HOUSE, 0000
MICHAEL E. ILTERIS, 0000
CHARLES JACKEL, 0000
ANTHONY A. JACKSON, 0000
DAREN D. JEWELL, 0000
DANIEL A. JOHNSON, 0000
JAMES KELLY, 0000
JAMES KENNEDY, 0000
SHAWN M. KERN, 0000
NATHAN J. KING, 0000
KINI L. KNUDSON, 0000

CRAIG KRAEGER, 0000
GARY W. KRUPSKY, 0000
RODERICK O. KURTZ, 0000
KEVIN G. LA RA, 0000
HOWARD J. LANDRY, 0000
TRICIA LIM, 0000
RICHARD LUNDSFORD, 0000
CARL F. LUSTENBERGE, 0000
STEPHEN J. MADDEN, 0000
KIMBERLY S. MARKS, 0000
JOHN R. MARTIN, 0000
RICHARD T. MC CARTHY, 0000
THOMAS D. MC KAY, 0000
CAROL E. MC KENZIE, 0000
MELISSA A. MC SWAIN, 0000
ALEXANDER MILLER, 0000
RICHARD MILLIOT, 0000
MARC MILOT, 0000
KELLY R. MITCHELL, 0000
STEPHEN E. MONGOLD, 0000
DAVID A. MONTI, 0000
MATTHEW B. MOORE, 0000
ALAN MUNOZ, 0000
NATHAN NORTON, 0000
DENNIS S. OGRADY, 0000
SHANE J. OSBORN, 0000
DAVID J. PEARSON, 0000
LIVIO PERLA, 0000
SHAWN D. PETRE, 0000
DAVID E. PROCTOR, 0000
DAVID M. REED, 0000
JOSHUA C. RENAGER, 0000
SCOTT ROSE, 0000
CARY ROSENBERGER, 0000
BRYAN C. ROSKOS, 0000
RONALD B. ROSS, 0000
DONALD W. SCHENK, 0000
DEREK SCRAPCHANSKY, 0000
ERIC A. SHAFER, 0000
MARCELE P. SHIELITO, 0000
GREGG R. SHIPP, 0000
MARY SIMMERING, 0000
DANIEL S. SPICER, 0000
WILLIAM M. SULLIVAN, 0000
JEFFREY W. SUMMERS, 0000
MERRILL T. SWALM, 0000
CHRISTOPHER P. TALLON, 0000
DAVID C. TERRY, 0000
SEAN THOMAS, 0000
TARA L. TOSTA, 0000
JOHN D. TUTWILER, 0000
MICHAEL E. VANHORN, 0000
HENRY M. VEGTER, 0000
THOMAS L. WALKER, 0000
NICOLE A. WAYBRIGHT, 0000
SHANNON J. WELLS, 0000
RICHARD H. WILHELM, 0000
KEVIN P. WILLIAMS, 0000
MARC WILLIAMS, 0000
KIMBERLY D. WINCKLER, 0000
ALAN R. WING, 0000
ERNEST M. WINSTON, 0000
MICHAEL B. WITHAM, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

SANDERS W. ANDERSON, 0000
JAMES J. ANTUS, 0000
CHARLES A. ARENA, 0000
CHARLES R. AUKER, 0000
MARK E. BABBITT, 0000
DEAN A. BAILEY, 0000
LAWRENCE A. BARRETT II, 0000
EUGENE D. BARRON, JR., 0000
JEFFREY A. BASHFORD, 0000
WILLIAM J. BEARY, 0000
TIMOTHY A. BEMILLER, 0000
KARL H. BERNHARDT, 0000
GILBERT U. BIGELOW, 0000
JOHN R. BOLLINGER, 0000
BRUCE R. BOYNTON, 0000
DAVID M. BROWN, 0000
MARTIN J. BROWN, 0000
NORMAN F. BROWN, 0000
ROBERT F. BURT, 0000
CLINTON J. BUTLER, 0000
WILLIAM E. BUTT, 0000
JULIA T. CADENHEAD, 0000
THOMAS G. CALHOUN, 0000
ROBERT P. CARRILLO, 0000
LANETTA M. CASILIOBIXLER, 0000
RICHARD E. CELLON, 0000
CARLTON D. CHERRY, 0000
HENRY M. CHINNERY, 0000
JOE D. CLEMENTS, 0000
RICHARD M. COCRANE, 0000
JONATHAN S. COLLINS, 0000
DAVID J. CONNITO, 0000
RICHARD CONWAY, 0000
CAROL J. COOPER, 0000
MATTHEW D. CULBERTSON, 0000
SUSAN C. CULLOM, 0000
PATRICK R. DANAHER, 0000
DOUGLAS M. DEETS, 0000
JAMES P. DELL, 0000
MARK S. DENUNZIO, 0000
JOHN M. DEPAUL, JR., 0000
WILLIAM N. DEURING, 0000
DUANE M. DIAN, 0000
MICHAEL A. DIAZ, 0000
MICHAEL P. DINNEEN, 0000
JOHN A. DIXON, 0000
DAVID S. DOUGLAS, 0000
HAL H. DRONBERGER III, 0000
DOUGLAS L. EAGAN, 0000
ROBERT N. ECKENBERG, 0000
MARK EDWARDS, 0000
GEORGE E. EICHERT, 0000
PETER W. EISENHARDT, 0000
FREDERIC F. ELKIN, 0000
MAURA A. EMERSON, 0000
ROBERT J. ENGELHART, 0000
GARY A. ENGLE, 0000
ROBERT E. ETHERIDGE, 0000
CHERYL L. S. GANDEE, 0000
DENZEL E. GARNER, 0000
DEBORA C. GAY, 0000
ERIC J. GETKA, 0000
STEPHEN D. GIEBNER, 0000
DAVID P. GLEISNER, 0000
STEPHEN B. HAAS, 0000
GREGORY E. HALL, 0000
MARY M. HALUSZKA, 0000
KRISTINE J. HANSON, 0000
ROBERT K. HANSON, 0000
GERALD T. HATCH, 0000
RICHARD E. HAWKINS, 0000
KURT T. HENDRIX, 0000
MARK T. HETZER, 0000
ROGER N. HIRSH, 0000
ELWOOD W. HOPKINS, 0000
MALCOLM H. HORRY, 0000
CHARLES F. HOSTETTLER, 0000
ROBERT L. HOWARD, 0000
MICHAELL A. HUBER, 0000
THOMAS C. HUDSON, 0000
SUSHIL K. JAIN, 0000
DEBRA L. JANIKOWSKI, 0000
CHARLES E. JEROME, 0000
DEBORAH K. JOHNSON, 0000
JOHN L. KAUL, 0000
BRIAN J. KELLY, 0000
MAJOR L. KING II, 0000
THOMAS A. LAFFERTY, 0000
SARA E. LEASURENELSON, 0000
JAMES M. LEVALLEY, 0000
PAUL A. LINDAUER, 0000
JOSEPH O. LOPREIATO, 0000
MICHAEL J. LYDEN, 0000
BRUCE E. MAC DONALD, 0000
FRANCIS R. MAC MAHON, 0000
KATHRYN W. MARKO, 0000
SUSAN E. MARSHALL, 0000
PETER J. MARTIN, 0000
ROBERT A. MATTHEWS, 0000
DENNIS R. MC CLAIN, 0000
SCOTT B. MC CLANAHAN, 0000
MICHAEL E. MC GREGOR, 0000
THOMAS P. MC ILRAVY, 0000
MICHAEL J. METTS, 0000
DAVID G. METZLER, 0000
ARTHUR R. MILLER, 0000
JOHN W. MILLS, 0000
MARK W. MITTAUER, 0000
DALE M. MOLE, 0000
HENRY R. MOLINENGO II, 0000
BECKY S. MOORE, 0000
GREGORY R. MOORE, 0000
JOSEPH L. MOORE, 0000
JAMES A. MOOS, 0000
MAGDALENE A. MOOS, 0000
ROBERT L. MOSES, 0000
DAVID W. MUNTER, 0000
HOLLY L. NAPPEN, 0000
JAMES T. NEED, 0000
RICHARD L. NEMEC, 0000
ELIZABETH S. NIEMYER, 0000
HENRY NIXON, JR., 0000
KENNETH E. NIXON, 0000
HART S. ODOM, 0000
STEPHEN J. OLSON, 0000
DONALD H. ORNDOFF, 0000
BRIAN F. PAUL, 0000
JOHN A. PERCIBALLI, 0000
LAURENCE J. PEZOR, JR., 0000
JAMES H. POPE, 0000
GARY E. PROSE, 0000
JANEE L. PRZYBYL, 0000
EMMETT W. QUESENBERRY, 0000
ROBERT F. RASPA, 0000
BARBARA A. RECKER, 0000
EDWARD G. REEG, 0000
RUSSELL H. RHEA, 0000
ROBERT L. RINGLER, JR., 0000
DOUGLAS S. ROARK, 0000
BARBARA A. ROBERTS, 0000
GABRIEL A. RODRIGUEZ, 0000
JOHN W. ROLPH, 0000
ALAN R. ROWLEY, 0000
MARIAN A. ROYER, 0000
ANGUS H. RUPERT, 0000
SHARON F. RUSHING, 0000
GERALD A. SANTULLI, 0000
SHELLEY A. SAVAGE, 0000
MICHAEL E. SCHAEFER, 0000
MARK E. SCHANDORFF, 0000
CHRISTOPHER SCHANZE, 0000
ROBERT E. SCHENK, JR., 0000
RICHARD R. SCHWAB, 0000
KENNETH K. SENN, 0000
JOHN W. SENTELL, 0000
MARK V. SHERIDAN, 0000
WILLIAM B. SHORT, 0000
MARK B. SKEEN, 0000
DAVID M. SKWARA, 0000
SUSAN M. SMALLING, 0000
JAMES A. SMITH, 0000
RANDALL J. SMITH, 0000
THOMAS B. SMITH, 0000
MARTIN R. STAHL, 0000
DAVID A. STARKEY, 0000
STEVEN C. STERRETT, 0000
FRANCES I. STEWART, 0000
RONALD L. S. SWAFFORD, 0000
DOUGLAS J. SWEENEY, 0000
WILLIAM G. SWEENEY, 0000
RAYMOND J. SWISHER, 0000
SCOTT A. SYNNOTT, 0000
DAVID A. TAFT, 0000
LEANNE L. THOMAS, 0000
CONNIE L. THORNTON, 0000
JEFFREY R. THORPE, 0000
HARRY J. TILLMAN, 0000
GLENNA L. TINNEY, 0000
RICHARD J. TITI, 0000
JAY R. TROWBRIDGE, 0000
MICHAEL P. TRYON, 0000
BLAKE H. TURNER, 0000
DAVID B. TURTON, 0000
PHILIP J. VALENTI, 0000
JOHN A. VANDERCREEK, 0000
DARRELL Y. VANHUTTEN, 0000
ELAINE C. WAGNER, 0000
THOMAS D. WALCZYK, 0000
RANDALL E. WEBB, 0000
BARTON R. WELBOURN, 0000
MARVIN C. WENBERG II, 0000
ROBERT WESTBERG, 0000
GARY W. WESTFALL, 0000
CECIL WHITE, JR., 0000
KEVIN L. WHITE, 0000
ROBERT L. WILLIAMS, 0000
BLANE M. WILSON, 0000
ELAINE R. WINEGARD, 0000
SAMUEL YOUNG, 0000
PAUL R. ZAMBITO, 0000

EXTENSIONS OF REMARKS

CAPITOL HILL WELCOMES LEGISLATORS FROM TAIWAN

HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. SMITH of Oregon. Mr. Speaker, I rise today to welcome a distinguished legislators' delegation from the Republic of China on Taiwan. The legislators represent all major political parties in Taiwan: The ruling Nationalist Party, the Democratic Progressive Party, the New Party, and non-aligned parties. Members all democratically elected by the electorate, this delegation fully demonstrates how democracy has worked in the Republic of China on Taiwan. In ten years' time, Taiwan has evolved from a one-party state to multi-political parties of different ideologies. The growth of elective politics has been very healthy for Taiwan. Ambassador Stephen Chen tells me that there will be major elections this coming December: mayoral elections, legislative yuan (Parliament) elections and municipal elections. There is no doubt in my mind that Taiwan politics is vigorous and vibrant. Once again, Taiwan is setting a good example of elective democracy for other developing nations, especially China.

On the eve of President Clinton's visit to the People's Republic of China, I wish to say that while the P.R.C. is vital to U.S. interests, it is equally important that we not ignore the interests of our ally and trading partner: The Republic of China on Taiwan. For years and years, Taiwan has been buying American agricultural products worth billions of dollars and cooperating with us on all major issues affecting our two countries.

I therefore share the many concerns of our Taiwan friends who are visiting us here on the Hill today. Let us abide by the Taiwan Relations Act and continue our arms sales to Taiwan. It is also my hope that both Taiwan and the People's Republic of China will work toward eventual reunification when both sides reach similar levels of freedom and democracy. In the meantime, both sides should dialogue on all issues as equal partners. Moreover, the P.R.C. should declare that it will not use force against Taiwan now or in the future.

Mr. Speaker, I extend my warmest welcome to this very distinguished group of legislators from Taiwan. I wish them every success during their short visit to Capitol Hill.

A TRIBUTE TO JANE SMITH

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding service of Mrs. Jane Smith of Yucaipa, California. Jane, the Associate Superintendent for Curriculum and Instruction at the San Bernardino County Superintendent of Schools Office in San Bernardino, is moving to Colorado shortly to pursue a wonderful professional opportunity with the Weld County District 6 School District.

Jane graduated from the University of California, Davis with a Bachelor of Arts in English in 1968. Ten years later, she completed her Master of Arts in Education with a special emphasis on reading. She began her professional educational career as an English teacher with the Vallejo City Unified School District in 1968, and later, with the Fontana Unified School District in 1979. She served as a Reading Resource Specialist with the Fontana Unified School District from 1980–83 and a District Resource Teacher from 1983–1985.

In 1985, Jane became Assistant Principal at Fontana Junior High School. One year later, she became Director of Staff Development for the Fontana Unified School District where she served until November, 1989. At that time, she became Assistant Superintendent for Instructional Services where she served until July, 1993. She then worked as Assistant Superintendent for Curriculum and Instruction until 1995 when she took on her present assignment as Associate Superintendent with the San Bernardino County Superintendent of Schools Office.

Over the years, Jane has been widely recognized for her outstanding contributions in the field of education. Among other awards she has received the California School Leadership Academy Regional Merit Award and the Outstanding Achievement Award from the Redlands Chapter of Phi Delta Kappa. In addition, she has spoken at a number of educational conferences across the country, served in numerous professional development capacities, and had numerous articles published in educational journals.

Mr. Speaker, I ask that you join me and our colleagues in recognizing Jane Smith as she concludes this chapter and begins another. To say the least, her fine work with the San Bernardino County School District will be greatly missed. Over the years, she has made a tremendous difference in the lives of countless students. I'd like to join County Superintendent, Barry Pulliam, and others in wishing Jane and her family the very best in their future endeavors.

A WELCOME TO ARMEN MELKONIAN, CONSUL GENERAL OF THE REPUBLIC OF ARMENIA

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to welcome Armen Melkonian, Consul General of the Republic of Armenia, to the 19th Congressional District of California. The Central Valley holds a large portion of the Armenian community in America and is rich in Armenian culture and history. Thus Consul General Melkonian's leadership in Armenia has provided a great deal of inspiration to the Armenians in the Central Valley.

Armen Melkonian was born in Yeravan, Armenia in 1958. He is married to Yevkenya Melkonian and has two children, Ashod and Ani. Armen Melkonian graduated from Yerevan State University, Faculty of Near Eastern Studies Arabic Division in 1980. Armen received his Ph.D. in the Eastern Studies Institute of the National Academy of Sciences of the Republic of Armenia.

From 1982–1984 Armen Melkonian served as an Arabic language translator in South Yemen. He served as a Soviet Army Lieutenant from 1986 to 1988. Following his commitment as a Lieutenant, he lectured in the Eastern Studies Institute of the National Academy of Sciences of the Republic of Armenia in the division of Arab countries. Armen lectured as part of the Eastern Studies of Yerevan State University in the beginning of 1991. He served as an aid to the President of the Republic of Armenia from 1992–1994. At the beginning of 1994, he was in the foreign ministry of the Republic of Armenia. Being the first secretary of Arab countries division, led him to becoming the ambassador in Cairo, Egypt from 1994–1997. From 1997–1998 he was the administrator for the foreign ministry's Middle Eastern countries division of the Republic of Armenia. Currently he is the Consul General of the Republic of Armenia in Los Angeles.

Armen Melkonian is the author of numerous articles in scholarly journals and various publications. He has participated in various symposiums all over the world. In 1990, his paper ''Armenian Medieval Resources about Arab Caliphates'' earned him a degree in Historical Sciences.

Mr. Speaker, it is with great honor that I welcome Armen Melkonian to the 19th Congressional District of California. His leadership has been an inspiration to the Armenian community. I ask my colleagues to join me in welcoming Armen Melkonian to the United States and to the 19th Congressional District of California.

AN INTERNATIONAL SPOTLIGHT ON CHIAPAS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. HAMILTON. Mr. Speaker, I commend to my colleagues' attention the attached statement by the UN High Commissioner for Human Rights, the Honorable Mary Robinson. The situation in Chiapas, Mexico is only getting worse, and Mrs. Robinson is right to call our attention to the brutal situation in southern Mexico. It is high time that all sides in that festering conflict renounce violence and dedicate themselves to a peaceful resolution of that conflict.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

STATEMENT BY MARY ROBINSON, UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS ON THE HUMAN RIGHTS SITUATION IN CHIAPAS, MEXICO

I have been following with mounting concern the situation of human rights in the Chiapas region of Mexico. News reports and almost daily submissions from representatives of indigenous groups and NGOs indicate an alarming deterioration over the past several days.

These reports paint a grim picture of an atmosphere of fear among the indigenous people of Chiapas caught between government forces supported by officially funded militias on one side and armed resistant groups on the other. Such conflict does not serve the interests of anyone.

The deaths of nine people in what has been reported as an action by government forces in the town of San Juan de Ia Libertad this week is just the latest in a string of violent incidents in a region already affected by widespread displacement, dispossession and severe poverty.

These are serious violations of the rights of indigenous people. As High Commissioner and as the UN Coordinator for the International Decade of the World's Indigenous People, I appeal to the Government of Mexico to look urgently at ways of restoring dialogue with communities in Chiapas. A reduction in the military presence in the region could be an important first step in restoring confidence that a peaceful solution might be found. This would also contribute to improving the current climate of fear.

The Office of the High Commissioner is prepared to assist the Government in meeting its obligations under the International Covenants and other human rights treaties it has ratified including ILO Convention 169 of 1989 on Indigenous and Tribal Peoples. We would also welcome opportunities to assist civil society organizations active in promoting respect for human rights as an essential condition for improving the lives of people in Chiapas.

TRIBUTE TO THE CITY OF ROSEVILLE'S 40TH BIRTHDAY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. BONIOR. Mr. Speaker, I would like to send birthday greetings to a special city at the heart of Michigan's 10th Congressional District. On June 20, 1998, the City of Roseville will celebrate its 40th birthday and will dedicate a new library addition. Citizens of Roseville will gather at the Civic Center grounds for food and family entertainment in honor of this historic occasion.

When Michigan became a state in 1837, this area was a small farming community known first as Orange Township, then as Erin Township. As history tells us, William Rose was appointed as the area's first postmater in 1836. In a tribute to his father, Denison Rose, a hero of the War of 1812, William established the Roseville Post Office. Gradually, the whole community became known as Roseville.

Years passed and the residents witnessed great changes such as a plank toll road and the Rapid Electric Interurban. Churches, schools and libraries were established as spiritual, educational, and cultural centers. In the 1950s, the area experienced a population explosion. Homes, shopping centers, industrial plants, and highways were developed. In 1958, the booming village was incorporated as the City of Roseville.

As the 52,000 members of this community celebrate their past, they are also anticipating a bright future. With the dedication of the new addition to Roseville Library, the city is dedicating a living piece of history. Mr. Long, who founded the institution in 1936 said, ''No town should be without a library.'' Since it has opened, the Library has changed locations, expanded, and become ''the information place'' for the citizens of Roseville.

On the 40th Anniversary of the City of Roseville, we celebrate the people who have made this community a diverse and wonderful place to live. I would like to extend my congratulations on this historic occasion and best wishes for a successful future.

HONORING SHEPARD COLEMAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. GILMAN. Mr. Speaker, today it is with sadness that I rise to recognize the life of Shepard Coleman, a talented musician and award winning musical conductor. I wish to call to the attention of our colleagues the outstanding talents of Shepard Coleman, who made his home in Orange County, New York. On June 27, there will be a memorial service for Shepard Coleman in Sugarloaf, New York, at the Lycian Center.

Shep Coleman was an accomplished musician who for many years was the leading cellist with the New York Philharmonic. The Washington Post reported on May 17, that as a graduate of the Julliard School of Music, Shep Coleman was a pit musician in many Broadway musicals from 1946 to 1960. He played under Leonard Bernstein for more than twenty years, as well as playing for Frank Sinatra. In 1964, Shep Coleman won a Tony Award for his magnificent musical direction of the Broadway hit, ''Hello Dolly''.

Shep Coleman was extremely active in local theater productions. He was a loving teacher as well as a great performer. He was also a strong supporter of many AIDS charities and art organizations. When he moved to Warwick, New York, he became active in their Humane Society. Shep Coleman continually gave of himself for the benefit of our entire community.

I came to personally know Shep through his advocacy for the Arts in our home region. Shep was the kind of person who placed a high premium on attracting young people to the Arts and encouraging them to develop their talents. Shep never hesitated to remind me that by stimulating the Arts Community, we are helping the economy of our entire region.

Shep Coleman was an articulate, unique individual who will long be missed greatly by his friends and neighbors in Orange County, New York.

Shep is survived by his sister, Diana Hoffman, of New York City, his brother, Aaron Coleman also of New York City, and his nephews Robert and Kenneth Hoffman.

Shep Coleman lived to the age of 74. He was always involved in so many different aspects of our communities, always devoting himself to a good cause. Mr. Speaker, I invite all my colleagues to join me in honoring Shepard Coleman. We have lost an outstanding talent and a great friend.

A TRIBUTE TO DR. BOB BERRY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding service of Dr. Bob Berry of Yucaipa, California. Bob, the Chief Information Officer for the Information Systems Department at the San Bernardino County Superintendent of Schools Office in San Bernardino, is moving to Michigan shortly to pursue a wonderful professional opportunity with Central Michigan University.

Bob graduated from Central Michigan University in 1969 with a double major in Biological Science and Instrumental Music. Three years later, he earned a MA degree in Curriculum Development and Educational Administration from CMU. In 1979, Bob completed his Doctor of Education degree at Northern Arizona University.

Dr. Berry began his professional career at the Fowler Public School System in Michigan serving as Director of Instrumental Music (1969–74) and Principal of Fowler High School (1974–1976). From 1976–84, he worked at Northern Arizona University as Assistant Director of Research and Development, Assistant Professor of Educational Administration, and Executive Director of the Arizona Public Schools Computer Consortium.

In 1984, Bob became Chief Information Officer (CIO) for the San Bernardino County Superintendent of Schools. In this capacity, he has had the responsibility of planning, organizing, and implementing all administrative financial processing requirements for the educational agencies within San Bernardino County, the largest in the United States. In addition, the CIO also serves as the executive director of the California Educational Computer Consortium comprised of other California county offices of education, school districts and community colleges. The consortium, comprised of over 249 agencies, pools its financial resources for applications software development and services.

Over the years, Bob has served as professional consultant for a number of school districts across the United States in computer systems, budgeting, and networking. In addition, he has served in numerous professional development capacities and has had numerous articles published in educational journals.

Mr. Speaker, I ask that you join me and our colleges in recognizing Dr. Bob Berry as he prepares for his latest professional challenge. To say the least, his fine work with the San Bernardino County School District will be greatly missed. I'd like to join County Superintendent, Barry Pulliam, and others in wishing Bob Berry the very best in his future endeavors.

TRIBUTE TO ED VEGELY AND LLOYD HOBBY

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Ed Vegely and Lloyd Hobby upon their retirement from Mariposa County High School. Ed and Lloyd have provided many years of dedicated instruction and coaching to the students of Mariposa County High School in Mariposa, California. I commend these exceptional educators for their dedication and commitment to our youth.

Ed Vegely has been teaching the youth of Mariposa County High School since 1965. He was born on December 28, 1936. Ed attended Merced High School, Modesto Junior College, and eventually completed his higher education at California State University, Fresno. He has been recognized as the Mariposa County High School ''Teacher of the Year'' three times. Ed served as the Mariposa County High School varsity football coach from 1965–1981. During that 16 year period, Ed Vegely was able to achieve a record of 95 wins, 56 losses, and five ties, and has taken the team to five league championships. He not only provided an exceptional service as a varsity football coach, but also served as the varsity basketball coach in 1966 and 1970–1996. During this time as the Mariposa County High basketball coach, he achieved a record of 366 wins, 288 losses, and 13 ties, taking the team to six league championships.

Lloyd Hobby has been providing exceptional instruction to the students of Mariposa County High School since 1964. Lloyd attended Sonora High School and completed his higher education at Sacramento State University. He has served as the Mariposa High Varsity basketball coach for 30 years. During his time as the varsity basketball coach, he has achieved a record of 475 wins and 298 losses, taking the team to nine league championships. Lloyd is a four-time Mariposa County High School ''Teacher of the Year'' recipient and was recognized as the ''Athletic Director of the Year'' for the entire state of California in 1996.

Mr. Speaker, it is with great honor that I pay tribute to Ed Vegely and Lloyd Hobby upon their retirement from Mariposa County High School. Ed and Lloyd have both exhibited a dedication and care for the education and instruction of our youth. I applaud their many achievements and ask my colleagues to join me in wishing Ed Vegely and Lloyd Hobby the best of luck with any future endeavors.

TRIBUTE TO TOBY KEELER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Toby Keeler, for his leadership and efforts to improve the quality of life in our community. Toby is a determined, hard working individual who has dedicated countless hours to the Las Virgenes Homeowners Federation and has enhanced the area in the process.

During his term as President of the Las Virgenes Homeowners Federation from 1995 to 1997, Toby repeatedly lobbied on behalf of those he represented.

First, Toby played an instrumental role in orchestrating the Las Virgenes opposition to a massive commercial development that threatened to destroy most of the natural area adjacent to the 101 Freeway. After this successful effort, Toby redesigned a controversial park center project, a move which ultimately guaranteed its construction.

Later in his term as President, Toby rallied support for a proposition that raised necessary funding to keep open several fire stations, and campaigned to increase land acquisition funding for the Santa Monica Mountains National Recreation Area.

In another display of his support for the environment, Toby organized opposition to the SOKA University project in the Santa Monica Mountains which would have allowed construction on protected lands.

Toby is also a former member of the Planning Commission for the City of Calabasas, and is the current President of the Old Topanga Homeowners Association, where he has continued in his role as a community leader.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Toby Keeler. He has shown an unwavering commitment to the community and deserves our recognition and praise.

TRIBUTE TO HELEN DAVID

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. BONIOR. Mr. Speaker, I am honored to have the opportunity to recognize the achievements of a very special woman, a dear friend, Mrs. Helen David. For sixty years, Helen David has been the owner of the Brass Rail, a unique bar in the heart of Port Huron. On June 15, 1998, community members and friends will join Helen at the Brass Rail to celebrate the sixtieth birthday of the Brass Rail.

Prior to June 15, 1937, the Brass Rail was a quaint ice cream shop named Hibye's Ice Cream Polar. The sweet shop was owned and operated by Helen's parents, Tony and Elizabeth Hibye. After the death of her father, Helen transformed the ice cream shop with the support of her mother and aunt. In 1939, Helen fell in love and married Sol David. Until his death in 1967, Helen and Sol worked side by side creating a popular Port Huron tradition.

In Port Huron, Helen is known not only as a smart business woman, she is recognized as a community leader and humanitarian. Throughout the years Helen has been a member of the Quota Club, an organization designed to help the hearing impaired. She has also been honored for her work with St. Jude's Children's Hospital by the North America Benefit Association. Recently Helen made a major contribution to the St. Clair County Council on Aging to help establish a new senior center in Port Huron.

In six decades, Helen David's warm personality, her commitment to her patrons and her involvement in the community have endeared her to many people throughout St. Clair County. Very few people have the spirit and dedication to give to their community as Helen has given to hers. I would like to congratulate Helen as she celebrates her historic milestone of sixty years in business.

THE U.N. GENERAL ASSEMBLY PLAN TO FIGHT DRUGS VERSUS LEGALIZATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. GILMAN. Mr. Speaker, the U.N. General Assembly recently took up the problem of international drug production and trade as it moved forward with an emerging consensus that all of the nations of the globe must fight this scourge together, and stop the finger pointing.

The U.N. proposal that emerged was an ambitious yet doable plan to eliminate the production of cocaine and heroin in 10 years, although regrettably the means to finance this important proposal were not found.

In Monday's New York Times, columnist A.M. Rosenthal points out another battle in the war on drugs, the effort of many who favor ''legalization'' to discredit the U.N. anti-drug efforts and to camouflage their own worldwide cause to foster legalization by the use of nice sounding phrases like ''harm reduction.''

Mr. Speaker, I ask that Mr. Rosenthal's informative column be reprinted herein. It points out the nature of this legalization campaign which reflects a sense of failure, lack of political will, and submission to the evils of illicit drugs that few Americans, or others around the globe support, or would ever subject their children and future generations to under the guise of such a misdirected solution.

[From the New York Times, June 12, 1998]

(A.M. Rosenthal)

POINTING THE FINGER

The three-day meeting on fighting drugs was one of the more useful United Nations conferences in decades. It was well led by Pino Arlacchi, the Italian Mafia-buster, drew chiefs of state and narcotics specialists from every part of the world, and wound up with a plan to eliminate the growing of illegal heroin and cocaine in 10 years—certainly difficult but certainly doable.

So, months before the opening Monday, a campaign to attack the conference was planned. It was worked out by Americans who devote their careers and foundation grants not to struggling against narcotics but legalizing them under one camouflage or another.

Before the first gavel, they were ready with advertisements writing off the conference, had rounded up American and European signatures denouncing the war against drugs as a failure, and had mobilized their network of web sites.

They convinced one or two convincible journalists that people opposed to the anti-drug effort had been banned from talking at meetings of specialists and organizations. That's strange, because at the very first forum I attended there were as many legalizers as drug fighters making statements and asking questions.

The propaganda was professionally crafted. Hundreds of well-known people and wannabes signed an opening-day two-page

advertisement in The Times. It had no proposals except for a ''dialogue,'' which already has gone on a half-century.

The word ''legalization'' was not used. Legalizers and their financial quartermasters know Americans are 87 percent against legalization. So now they use camouflage phrases like ''harm reduction''—permitting drug abuse without penalty, the first step toward de facto legalization.

One signer told me that she did indeed favor legalization but that in such campaigns you just don't use words that will upset the public.

I have more respect for her, somewhat, than for prominent ad-signers who deny drug legalization is the goal. And for signers who, God help us, do not even know the real goal, here's a statement by Dr. Ethan Nadelmann, now George Soros' chief narcotics specialist and field commander, in 1993 when he still spoke, unforked, about legalization:

''It's nice to think that in another 5 or 10 years . . . the right to possess and consume drugs may be as powerfully and as widely understood as the other rights of Americans are.'' Plain enough?

The conference is finished, legalizers are not. Hours after publication of this column, masses of denunciatory E-mail letters to the editor will arrive at The Times. Judging by the past, the web-site chiefs will announce gleefully that virtually all the letters The Times printed supported them, and how much that publicity would have cost if they had to pay for it. Anti-drug letters will arrive too late.

Now, I have a problem. Knowing that Americans are so against legalization and the multiplication of addition, crime and destroyed souls it will create, I ask myself why I write about legalizers at all. They live by publicity, which can mean more millions from Mr. Soros and a few other backers.

But the legalization minority includes many intellectuals, academics, journalists and others with access to lecture rooms, print and TV. So consistently do they spread their falsehood that the drug war has failed that even some Americans who want to fight drugs believe there's no use trying. America still suffers agonizingly from illegal drugs, but as President Clinton told the U.N., overall U.S. drug use has dropped 49 percent since 1979, cocaine use has dropped 70 percent since 1985, crime usually related to drugs has decreased five years in a row.

Yet the anti-drug movement has never rallied to tell Americans about the legalizers, identities and techniques. Washington and the U.N., including Mr. Arlacci, have even softened their language—such as not using the phrase ''drug war'' anymore.

Washington's big new anti-drug ad campaign will be useful, but not very, unless it not only urges parents to talk to children, but parents to talk to other parents, about the legalizers, in or out of camouflage.

Surely it is time for the President to dissect America's legalizers and publicly point the finger at them. If he is too delicate, or politically fearful, the rest of us will have to do the job of denying them acceptability or cover; it's worth the space.

THE U.S. CATHOLIC BISHOPS ON HUMANITARIAN ASSISTANCE TO CUBA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. HAMILTON. Mr. Speaker, I am attaching for my colleagues' review a recent joint statement from the United States Catholic Conference and the Catholic Relief Service regarding humanitarian assistance to Cuba. Few organizations have done more to help the Cuban people in these times of intense shortage on that island nation. I call your attention to the references to U.S. policy toward Cuba, particularly as expressed in a recent release by the Bishops of Cuba.

USCC—CRS STATEMENT ON HUMANITARIAN AID TO CUBA: JUNE 6, 1998

Just one year ago, June 6, 1997, we bishops, representing the United States Catholic Conference's Committee on International Policy and the Board of Catholic Relief Services, wrote to President Clinton urging the resumption of direct flights from the United States to Cuba, especially for the delivery of humanitarian aid. On March 20th of this year, the President finally lifted the ban on direct flights, allowing Catholic Relief Services once again to send shipments of medicines and other humanitarian aid to the Cuban Church's relief and development agency, *Cáritas Cubana*. We applaud these actions.

We are intensely proud of the close relationship of solidarity and cooperative action that has developed between the Church here and in Cuba. The most concrete expression of this solidarity is the provision of critically needed medicines, medical supplies and equipment and other goods, donated by private individuals and corporations in this country, delivered Cuba by Catholic Relief Services, and distributed there by *Cáritas*. Although these efforts can meet only a fraction of the needs experienced by many in Cuba today, the Church in both countries is committed to doing all it can to alleviate suffering and give hope in a time of discouragement.

There are legislative proposals in the U.S. Congress seeking to address the problem of the dire shortage of many things in Cuba. Some call for an end to the U.S. restrictions on the sale of food and medicines, others propose grants of money or matériel by our government to the needy in Cuba, through the instrumentality of non-governmental groups such as the Catholic Church and its agency *Cáritas*. We welcome these efforts to reach out to our Cuban brothers and sisters in need. The Cuban Bishops' Conference, however, in a statement issued last month, has made clear its firm intention of avoiding any politicization of its humanitarian role in the present crisis and has thus indicated that it will not receive or distribute aid coming from governments. This has been the policy of the Cuban Church in the past and will continue to be so for the foreseeable future.

The position of the U.S. Catholic Conference and Catholic Relief Services is identical with that of the Bishops of Cuba. We pledge to do all we can to encourage private contributions of medicines and other needed goods to Catholic Relief Services for distribution by *Cáritas Cubana* to help lessen some of the suffering brought on in recent years. As we stated following the January papal visit, ''ending the restrictions on the sale of food and medicines, as legislation currently in both houses of the U.S. Congress calls for, would be, in our view, a noble and needed humanitarian gesture and an expression of wise statesmanship on the part of our elected leaders.''

Just a few days ago, on Pentecost Sunday, the Cuban Bishops issued an important pastoral statement, ''The Spirit Desires to Breathe in Cuba,'' recalling the urgent plea issued by the Holy Father during his visit that the world open up to Cuba and Cuba to the world. The bishops observe that ''at this time the world is opening up to our homeland, we reject any economic siege against our country, as well as any attempt to isolate it.'' The Cuban Bishops call equally for Cuba to open up to the world, for ''an internal opening of the Cuban society,'' requiring that ''human rights . . . be fully respected.'' We pray that the government of Cuba and the government of the United States will reverse those policies of each that have contributed, in very different ways, to the suffering of the Cuban people.

Most Reverend Theodore E. McCarrick, Archbishop of Newark, Chairman, USCC Committee on International Policy; Most Reverend John H. Ricard, SSJ, Bishop of Pensacola, Chairman, CRS Board of Directors.

HONORING THE MEMORY OF RAOUL WALLENBERG

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, this Sunday, June 14, the Committee to Honor Raoul Wallenberg in Parsippany, New Jersey will gather to dedicate a sculpture in honor of the Swedish Diplomat. The statue is located in Smith Field Park, and will serve as a daily reminder to all of the legacy of the ''Angel of Budapest.''

The statue by artist Edward Adams, titled ''Courage and Compassion,'' is a monument to the life and work of Rodney Wallenberg, a Righteous Gentile whose courage and selfless action saved the lives of over 100,000 Hungarian Jews during World War II.

I was honored to be a part of this project since its start, and to be able to help make this statue a reality. I want to commend the hard work and dedication of Murray Laulicht, the President of the United Jewish Federation of Metro West. He first wrote me three years ago, inviting me to participate in this important effort. He and many others gave generously of their time and their efforts to complete this memorial. I also want to commend Harry Ettlinger, the co-chairman of the Committee, for his work in putting the ceremony together.

Raoul Wallenberg was a man of rare courage and selflessness who recognized the outrage, injustice and evil acts being waged on Jewish people living in Nazi-dominated areas of Europe. He risked his life to save the lives of strangers. His actions during the waning days of World War II, in the face of a Nazi Party that was growing ever more desperate and brutal, make him an example for us and for future generations.

Raoul Wallenberg's ingenuity and creativity was the key to his success in saving over 100,000 Hungarian Jews. His tactics ranged from the traditional (building 30 ''Swedish houses'' which served as a safe haven for Jewish families) to the illegal (using bribes, threats and extortion to provide passes to Jews in the ghettos, on the death march and on the trains to concentration camps).

In an age where courage is often a forgotten virtue, Raoul Wallenberg is a model for all of us. When faced with adversity, he responded nobly. When called to help his fellow man, he gave willingly of his time. We all benefit from the legacy of Raoul Wallenberg. We can all learn from his example of courage, strength and righteousness.

It is my hope that the statue will serve as a daily reminder that, in a world where evil exists, there are among us the good and the just fighting for all our salvation and freedom.

100TH ANNIVERSARY OF ST. JOHN CANTIUS CHURCH, WINDBER, PA

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. MURTHA. Mr. Speaker, I am honored to pay tribute before the U.S. House of Representatives to the St. John Cantius Parish in Windber, Pennsylvania, as it celebrates its 100th Anniversary today.

The St. John Cantius was the first Catholic Church in Windber, from which sprang all the other Catholic Parishes serving the Windber area today.

St. John Cantius, originally established in 1898 as the Immaculate Conception Parish, has a fascinating early history that classically demonstrates how immigrants from many different countries who came to America—and particularly to our area of western Pennsylvania—at the beginning of this century were united by their faith. The church was the central entity that helped bind these people together, overcoming different cultural backgrounds, language barriers, and traditions to create a strong, cohesive community. Even the clergy themselves came from different countries and spoke different languages. This strength and unity served these faithful people well as they struggled to make their way in America, overcoming the hard realities of the grueling daily worklife in the farming and coal mining regions that built and fed this country.

The St. John Cantius Church has not only endured, but has thrived and multiplied, increasing the numbers of its parishioners as well as parishes and preserving the tradition of devotion to family and faith for succeeding generations. In addition, it has provided its community with strength and support throughout all the trials and tribulations of this century, from the hardscrabble days of the Industrial Revolution, when the area's miners and steelworkers endured long work hours, low pay and abysmal working conditions, even through the Great Depression. It supported and comforted the people of the community through many wars that saw many of its young men head off to distant lands to defend their country and its ideals of freedom, sometimes never to return. It has held its community together through more modern struggles—the decline of the steel industry that brought lasting economic hard times and crippling unemployment. Through it all, the St. John Cantius Church has been a constant in the lives of the people of Windber—a source of support and sustenance, spiritually and in many other ways.

I am deeply honored to join in celebrating this wonderful occasion with the parishioners and clergy of St. John Cantius. May the church as well as the community it serves continue to grow and prosper for another one hundred years.

PERSONAL EXPLANATION

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. HOBSON. Mr. Speaker, I was detained on June 10 for rollcall vote 225. As a supporter and cosponsor of earlier bankruptcy reform legislation, had I been present, I would have voted ''yea.''

IN HONOR OF THE HISTORICAL EXHIBIT OF OLD YORKVILLE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to Zion-St. Mark's Lutheran Church, the last German-speaking church in the Yorkville area in my district.

The church has organized an historical exhibit of old Yorkville to commemorate the history of the area which used to be known as ''German Town.'' It was formed as a middle and eastern European melting pot. As more and more high-rises and other large buildings have been built in recent decades, the character of the area has changed and some of the old-world charm has been lost.

Also to be prominently featured at this exhibit is a commemoration of the Slocum Disaster, the most lethal fire in American history and one of the world's greatest maritime tragedies. On June 15, 1904, the parishioners of St. Mark's church on 6th Street in Manhattan held their annual picnic. Since the festivities included a boat ride on the General Slocum, 1,446 members of the congregation boarded for a trip to Locust Grove on Long Island. Tragically, the boat caught fire. According to reports, the loss of life was disproportionately high because the boat's life vests and life boats were old or useless and there had been no fire-drills. 1,021 people died.

Because this disaster took such a heavy toll, the Lower East Side's German community was suddenly greatly reduced in number. Many of those remaining were too saddened to stay, and decided to move uptown, to Yorkville. The members of the St. Mark's congregation eventually merged with the Zion Church on East 8th Street. The church is now known as Zion-St. Mark's Lutheran Church.

Many accounts have been written of the terrible Slocum Disaster. This exhibit will allow people to remember the many fine contributions of the German-American community before and after this horrible event wiped out so much of their population. It will commemorate the victims, honor the survivors, and highlight some of the history of Germans in New York City. Finally, the exhibit will recall the days of old Yorkville, from the 18th Century through the 20th. This area was once a landmark section of New York and has quite a story to tell.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to the congregation of Zion-St. Mark's Lutheran Church, to the Ladies Aid Society, and to Kathryn A. Jolowicz.

TRIBUTE TO JACK PARTON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend Jack Parton, of Hebron, Indiana, for his exemplary service to Indiana's First Congressional District. Since 1982, when Jack was serving as the District 31 Director of the United Steelworkers of America, he has organized an annual golf outing to raise money for the National Kidney Foundation. This year, in honor of his great efforts and activities on behalf of the Kidney Foundation, Jack was honored by the foundation during the Cadillac Invitational Golf Tournament, on June 15, 1998 at the Broadmoor Country Club in Merrillville, Indiana.

The 16th annual 'Kidney Days Golf Outing' fundraiser for the National Kidney Foundation will be held on August 21, 1998. The event will take place at five golf courses in Northwest Indiana and is expected to include almost one thousand participants. Profits will be given to the Kidney Foundation to help the ailing and needy, with expected proceeds to be in excess of $4,000. In the previous 15 years of this event, over $100,000 has been raised and donated to the National Kidney Foundation.

A strong leader of the United Steelworkers of America, Jack first joined in the union in 1959 as a member of Local 1014 at U.S. Steel's Gary Works, where he served two terms as its President. Jack was elected Director of District 31 in 1981, and he was subsequently re-elected in 1985, 1989, and 1993. In 1995, District 31 was re-organized into District 7, which now encompasses all of Illinois and Indiana, and Jack served as its first director. In March of 1998, Jack was installed once more as the District 7 Director. Dedicated to the union, Jack has assumed numerous important responsibilities, including chairing contract negotiations with Inland Steel, Ryerson, Acme Steel, Northwestern Steel & Wire, and LTV Steel, where he serves as Secretary of negotiations. In addition, Jack established the District 7 Labor/Management Safety and Health Conference, which was the first district-level conference of its type in the USWA. In 1996, Jack served as the Secretary of the 1996 Convention Officers' Report Committee.

Jack, while deeply committed to his work, is also dedicated to his family. He often travels back to Virginia to visit his mother and spend time with his other relatives. His future plans include working to facilitate the unification merger of the United Autoworkers and the International Association of Machinists and Aerospace Workers with the United Steelworkers of America. Together with other union leaders, Jack will ensure that the membership of these three unions unites to form one comprehensive, united, and strong voice for working men and women. This newly invigorated union will be dedicated to serving, protecting, and aiding its membership.

Mr. Speaker, it is my great pleasure to ask you and my distinguished colleagues to join me in paying tribute to one of the region's true humanitarian leaders, Jack Parton. Jack's service to his community, co-workers, and union is worthy of the highest praise and emulation. Northwest Indiana is lucky to have such

a incredibly altruistic, dedicated, and upright individual.

TREASURY-POSTAL FUNDING BILL AMENDMENT—LANGUAGE PROHIBITING SEX TRAINING COURSES FOR FEDERAL EMPLOYEES

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. PACKARD. Mr. Speaker, tomorrow I will support an amendment to the Treasury-Postal Appropriations Bill that will cease the use of taxpayer dollars for sex technique training courses. Federal workers should not have to endure this treatment, and tax dollars should not be funding it!

I first learned of this training during an Appropriations Transportation Subcommittee hearing a few years ago. I have never heard more disturbing testimony in all my years in Congress. The inappropriate nature of the training was reiterated as employee after employee came before the subcommittee recounting horrifying incident after incident.

Mr. Speaker, nobody should be required to participate in ''How To'' sessions addressing sexual techniques or devices, such as ''how to properly use a condom,'' or AIDS/HIV training on ''how to properly shoot-up.'' Taxpayer dollars should not be wasted on despicable training techniques like tieing together two individuals of opposite genders and requiring them to eat, sleep and bathe together for 24 hours!

Mr. Speaker, we must not overlook the need to protect the dignity of federal employees and the integrity of the use of taxpayer dollars. This radical agenda must be stopped from rearing its ugly head.

TRIBUTE TO THE ''SOCIEDAD CULTURAL MAYAGÜEZANA, INC.''

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. SERRANO. Mr. Speaker, it is with great joy that I rise today to pay tribute to the ''Sociedad Cultural Mayagüezana, Inc.'' a nonprofit civic and cultural organization dedicated to uniting the people from my birth town of Mayagüez, Puerto Rico in the United States and Puerto Rico.

This year I had the honor to march with members of the ''Sociedad Cultural Mayagüezana, Inc.'' and other representatives from Mayagüez during the National Puerto Rican Parade, which was celebrated on June 14, in New York City. The Parade, on its 41st year of history, is the most popular event held in commemoration of the contributions of the Puerto Rican community in the United States.

The ''Sociedad Cultural Mayagüezana, Inc.'' was established in 1965 in New York City by a group of people who saw the need to educate our community about Mayagüez's historic legacy.

Under the leadership of its president, Mr. Andres Irizarry Falto, the organization has been at the forefront developing educational programs on Mayagüez's folklore, history and traditions.

Among its many activities, the ''Sociedad Cultural Mayagüezana, Inc.'' has kept alive the tradition of the ''Three Kings Day'' in our community. The organization collected gifts which were distributed to low-income children on January 6, the ''Three Kings Day.''

In addition, young girls from the community are encouraged to learn about the traditional ''danza'' and how to dance this classical music from Puerto Rico.

The organization also offers educational seminars. Among their many guest speakers, a descendant from the Indian people of Mayagüez, the Chief or ''Cacique Cibanacan'' talked to the community about our Indian roots.

Mayagüez was founded in 1760 by Spaniards. Its first inhabitants, before Christopher Columbus arrived in 1492, were Indians known as the ''Tainos'', which means good or noble. Today Mayagüez has a population of 200,000 people. The town, which lies in the southwestern part of Puerto Rico, is also known as ''Sultana del Oeste''.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in recognizing the ''Sociedad Cultural Mayagüezana, Inc.'' for their tireless efforts in educating our community and in bringing together the people from my birth city, Mayagüez.

CHILD PROTECTION AND SEXUAL PREDATOR PUNISHMENT ACT OF 1998

SPEECH OF

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3494) to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes:

Mr. KLINK. Mr. Chairman, I think this is good legislation that will protect our children and I urge my colleagues to support it.

I am pleased that the problem of pedophiles using the Internet to prey upon innocent children is finally receiving the attention it deserves.

I first became concerned about this issue when, as a television reporter in Pennsylvania, I discovered that the police were pursuing a well-organized, high-tech ring of computer pedophiles. This pedophile ring had compiled information on techniques and locations for preying on children in cities all across the country.

Since my election to Congress, I have been working to protect children on the Internet. My Pennsylvania colleague, JOHN MURTHA and I met with local and State law enforcement officials, the Department of Justice Child Exploitation Division, and representatives of family groups to discuss what to do about this growing problem.

In particular, I remember meeting with Al Olsen, a police chief from Warwick Township, PA, one of the few people in the country working on the problem of Internet pedophiles at that time. He told us about a California man who used computer bulletin boards to lure youthful rape victims to his home. This same man was using the Internet to brag about what he was doing.

It was clear to us that pedophiles had evolved from preying on children at the school yards and playgrounds to preying on them on the Internet and that law enforcement needed new tools to catch up.

Finally, this legislation moves against that threat. It makes it a Federal crime to use the Internet to contact a minor for the purpose of illegal sexual activity. This is stricter than current law, which requires prosecutors to prove that the victim was persuaded.

The bill also makes it a Federal offense to use the Internet to knowingly transport obscene material to a minor, whether within a State or across State lines.

These new provisions will provide law enforcement with much-needed tools to combat the growing problem of pedophiles on the Internet.

I urge my colleagues to support H.R. 3494.

A TRIBUTE TO AMERICA'S POLKA KING: FRANK YANKOVIC

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. KLECZKA. Mr. Speaker, I rise today to honor and pay tribute to Frank Yankovic on his 50th anniversary as America's Polka King. On June 8th, 1948, in the Milwaukee Auditorium in Milwaukee, Wisconsin, Frank Yankovic was crowned ''America's Polka King'' before 7000 screaming fans. Fifty years later, he is still ''The King'' to polka fans around the country, spurring a movement by Congress to award him a National Medal of Arts.

Yankovic's contributions to the popularity of polka music are legendary. But Frank's beginnings were rather modest, playing Slovenian songs on a button box for neighbors and boarders at his parents' home. At age 19, Yankovic's interest turned to the piano accordion, which upset his father because he felt Frankie could never make a living playing it. Secretly, Frankie's mother bought him a piano accordion, which he practiced at his sister's house until he played it well enough to play in front of his dad. After hearing Frankie play, his father put his arms around him and said, ''If you're going to play it, play it well.''

And play it well he did, as he and his friends became one of the most popular bands in town, getting exposure on Doctor James Malle's Sunday Solvenian radio program, and cutting several records under the name of the Solvene Folk Orchestra. In 1941, the day before Pearl Harbor, Frankie opened his own bar, which quickly became a popular hangout for musicians. But World War II took him overseas, where he nearly lost his life in the Battle of the Bulge, suffering from frost bite so severe in his hands and feet that gangrene had set it and doctors planned to amputate. But Frankie wouldn't let them, and after a long course of penicillin and drugs, he began to regain the use of his hands and feet. For therapy, the doctors gave him an old accordion to play. Soon he was entertaining the whole hospital.

Yankovic came home from the army and went back to his bar, which was more popular

than ever. In 1946, Columbia offered Frankie a recording contract with a two year option. That contract lasted for 26 years. In December of 1947, Yankovic heard a song called ''Just Because'' which he felt could be a hit, but Columbia would not record it, until Frankie offered to buy the first 10,000 records himself. That song bridged the barrier between popular music and polka and launched Yankovic into the national spotlight. And there he stayed, with hits like ''Blue Skirt Waltz'' and ''Just Because'', which both became gold records. Frank won the first Grammy ever given for polka music, and was one of the first men inducted into the ''International Polka Hall of Fame'' in Chicago. But through it all, Frankie Yankovic has remained dedicated to his fans, and his enthusiasm for entertaining has never waned.

Frankie Yankovic is and always will be, ''America's Polka King.''

BANKRUPTCY REFORM ACT OF 1998

SPEECH OF

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 10, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3150) to amend title 11 of the United States Code, and for other purposes:

Mr. GEKAS. Mr. Chairman, I want to thank my colleague Dr. PAUL for introducing his amendment at this time. Dr. PAUL is one of the foremost scholars on the issue of credit. His amendment emphasizes the heavy burden which federal taxation places on American families. Dr. PAUL, certainly is correct in pointing out that, together with credit expansion, gambling, health care costs, etc., the federal burden is a contributing factor to bankruptcies and his foresight in bringing up this important topic is to be commended. I believe we should indeed focus further study on these concerns and make sure that future legislation in this area is mindful of this important fact.

Moreover, I want to thank Dr. PAUL for being east to work with and for his understanding of our concerns in ensuring that this landmark legislation is passed, and for his actions to that end. However, I am currently opposed to this amendment due to time constraints and the fact that I am not sure of its implications. I look forward to working with you in the future on this language and on other issues concerning taxes and bankruptcy.

TRIBUTE TO DICK CABLE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. FAZIO of California. Mr. Speaker, I rise today to pay tribute to Mr. Dick Cable, a friend to all and a fixture on the local broadcasting scene for over 30 years. This month, the Sacramento Safety Center, a group of community organizations, is honoring Dick for his efforts on behalf of a number of children's charities.

Dick Cable, a professional broadcaster since 1958, has been with KXTV–10 since January, 1969. He spent his first 8 years in radio, in Colorado, Wyoming and Idaho. He made the transition to television in Boise, Idaho, 1966 and in 1968 was named ''Outstanding Young Man of the Year'' by the Boise Jaycees.

Since joining KXTV–10, Dick has become the first-ever Sacramento newscaster to win an Emmy. This award winning piece was in 1973 for a special on the problems of female alcoholics. In 1988, his piece ''Drop-puts: We All Pay the Price'' was named Best News Series by the California School Boards Association. Dick Cable has been KXTV's ''For Kids Sake'' spokesperson since the station launched the project in 1992. In this capacity, Dick is the primary on-air personality for ''For Kids Sake'' messages which promote child and family issues such as self-esteem, parenting, and education.

Dick is very active in community events such as ''Coats for Kids Sake,'' ''Walk America For Kids Sake,'' ''Sacramento Reads,'' and countless others. He is also Honorary Mayor of Safetyville, U.S.A. Dick is a frequent guest in classrooms throughout the area. He loves to read to children, and also participates in other self-esteem building projects. He serves on the board of Child Abuse Prevention Council of Sacramento, and is a board member of the Greater Sacramento Area United Way including it's citizen committee on funding for Children-At-Risk programs. Dick is a frequent speaker to community organizations throughout the Central Valley of California. His speechless focus primarily in support of child and family issues such as decision making and the need to get involved in our children's lives.

Dick and his wife Berta live in the Sacramento area. Dick has five children and eight grandchildren.

For 30 years, Dick has been an outstanding representative of his profession. He's been a paragon of honest and fair reporting and his professional ethics will serve as a model for future broadcast journalist.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring Dick Cable and I personally extend my sincere appreciation for all he has done for the community of Sacramento during his many years of dedicated service.

COMMEMORATING 100 YEARS OF RELATIONS BETWEEN PEOPLE OF THE UNITED STATES AND PEOPLE OF THE PHILIPPINES

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 9, 1998

Ms. PELOSI. Mr. Speaker, I support H. Res. 404, which commemorates the friendship which the United States and the Philippines have shared over the last century. I am proud that the San Francisco district I represent has a large Filipino-American community which has contributed greatly to the city's diversity. The friendship of the United States and the Philippines will only continue to grow as we move into the 21st century.

One century ago, the Philippine's gained its independence from Spain, which had ruled over the Filipino people ever since Magellan claimed the islands for Spain in 1541. That day in 1898 was truly historic, for it marked the beginning of the close and wonderful relationship between the Philippines and the United States.

Our relationship has always been mutually beneficially. During World War II, as the Japanese were conquering much of Asia, the Philippines became an historic turning point in the Pacific theater. History remembers General MacArthur's promise of ''I will return'' upon surrendering the Philippines to the Japanese only to keep that promise and retake the Philippines in one of the defining moments of the relationship both countries share.

Soon after the war, the Philippines gained full independence from the United States and became a key strategic ally throughout the cold war.

Today, the Philippines is one of the few true democracy's in Asia. In 1986, the world was captivated when Corazon Aquino's ''People Power'' revolution brought her into office. And just last month, the Philippines held peaceful elections resulting in their country's third democratically elected president in 12 years.

As we enter the next century, we must work together to address new challenges. In moving forward though, we must embrace and reconcile past discrepancies. I therefore urge my colleagues to rectify a broken promise made during World War II. Fighting under the flag of the United States, many Filipino soldiers were promised full veterans benefits by the United States only to see that promise withdrawn after the war was won.

I ask my colleagues, what better tribute to our relationship with the Philippines than to honor this promise as we end the 20th century. We must demonstrate, as General MacArthur did, the importance of keeping promises. Then we can work closely to address the problems of the next century.

TRIBUTE TO THE NATIONAL PUERTO RICAN PARADE: 41 YEARS OF HISTORY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. SERRANO. Mr. Speaker, it is with great joy that I rise today to pay tribute to the National Puerto Rican Parade on its 41 years of history. The parade, which was held on June 14 in New York City, is the largest celebration of Puerto Rican culture in the United States.

Throughout its history, the parade has grown into a national event under the leadership of its President, Ramón S. Vélez. The event attracts thousands of Puerto Ricans from across the nation and from Puerto Rico, as well as many other individuals, their families and children, from all ethnic backgrounds.

As a Puerto Rican, a New Yorker, and a Member of Congress, every year it is an honor to participate in this national event, in which thousands of individuals march along Fifth Avenue, in Manhattan, in celebration of our Puerto Rican heritage and our achievements in this nation. This year I had the honor to march with members of the ''Sociedad Cultural Mayagüezana, Inc.'' and other representatives from my birth town of Mayagüez, Puerto Rico.

Mayagüez was founded in 1760 by Spaniards. Its first inhabitants, before Christopher Columbus arrived in 1492, were Indians known as the ''Taínos'', which means good or noble. Today Mayagüez has a population of 200,000 people. The town, which lies in the southwestern part of Puerto Rico, is also known as ''Sultana del Oeste''.

This year's parade honored the life of Luis Muñoz Marín, the first Governor of Puerto Rico elected by the people in 1947. Muñoz Marín is credited with implementing the new economic reforms which resulted in raising the standard of living on the island to one of the highest in Latin America and the Caribbean.

The parade has served as a national landmark in which people from all ethnic groups unite to commemorate our nation's glorious immigrant history. Among many other accomplishments, Puerto Ricans have been instrumental in transforming New York City into a great bilingual city.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in honoring Luis Muñoz Marín and the National Puerto Rican Parade, in its celebration of our Puerto Rican legacy, and the many contributions made by the sons and daughters of Puerto Rico to the greatness of this nation.

HONORARY U.S. CITIZENSHIP FOR LEIF ERICSON

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. SABO. Mr. Speaker, today I rise to introduce a resolution to grant honorary United States citizenship to the Norse navigator and explorer, Leif Ericson.

Leif Ericson played a vital role in the European discovery of our continent. It is a role that, over the years, has not been widely recognized. Within the past 30 years, new historical evidence has surfaced to show that Leif Ericson landed in North America around 1000 A.D., almost 500 years prior to Christopher Columbus' arrival in the New World.

Leif Ericson was born around 970 A.D. in Greenland, son of the famous warrior, explorer, and discoverer of Greenland, ''Eric the Red.'' There are two traditional accounts of Leif Ericson's discovery of America. However, the one that is best upheld by recent evidence states that a contemporary of Leif's, Bjarni Herjolfsson, chanced upon America after drifting off course. Bjarni did not land in the New World, but upon his return to Greenland, he described his course to Leif. Following Herjolfsson's course, Leif later landed in North America. He named the new land ''Vinland,'' after the plentiful supply of grapes he found there. He built a small settlement and spent the winter in Vinland before he returned to Greenland.

At the end of his career, Leif Ericson settled on his father's estate in Brattahlid, Greenland, where he lived until he died. It is rumored that he is buried in an unmarked grave in the Brattahlid cemetery.

I offer this resolution as a tribute to the pioneering spirit of Leif Ericson, and as a symbol of the virtues of courage and perseverance we all must embody in order to accomplish our goals.

I also offer this resolution in recognition of the Leif Ericson Millennium Committee (LEMC), a non-profit organization whose founder and president, Ivar Christensen, has devoted his life to gaining recognition of Leif Ericson's voyage and Viking settlements in North America around 1000 A.D. Since its inception, the LEMC has enlisted several Honorary Members, established a ''working'' Board of Directors, trademarked a logo, gathered preliminary information on Viking Celebrations throughout North America, and is now planning how to realize the objectives for the Millennium Celebration.

Finally, I also offer this resolution to honor all Americans of Scandinavian descent. For generations, they have proven themselves brave and loyal Americans, carrying on the tradition of courage and exploration started by their Norse ancestors, including Leif Ericson.

It is only appropriate that we recognize the importance of Leif Ericson by making him an honorary citizen of the United States, a small tribute for his contributions to our society.

HONORING THE PONTIAC CENTRAL DELPHI FIRST TEAM

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. KILDEE. Mr. Speaker, I rise today to bring to your attention the remarkable efforts and achievements of the Pontiac Central/Delphi Interior and Lighting Systems FIRST Robotics Team. This dedicated partnership has resulted in national recognition and a renewed commitment to excellence in science and technology.

For three years now, the fine students from Central High School located in Pontiac, MI, and the staff of Delphi Interior and Lighting of Troy, MI, have been competing in the FIRST (For Inspiration and Recognition of Science and Technology) national competition. As a rookie team in 1996, their efforts resulted in the national competition rookie All Star award. In only their second year of competition they were honored with the competition's highest award, the Chairman's Award for overall excellence. This year they placed first at the Southwest Regional Championship, New England Championship, and Great Lakes Regional Championship.

The Pontiac Central faculty includes: Dr. Willie B. Aldridge, Birta Allen, Michael Martus, Michael McIntyre, Lorene Phillips, Jamie Schutt, and Arthur Williams. The Pontiac Central students include: Tanea Andrews, Ben Arroyo, Stephanie Bonner, Phuong Bui, Danta Cabello, Steven Carpenter, Armand Collins, Lenwood Compton, Jose Diaz, Tabitha Durham, Alia Garrison, Glynn Gooch, Regina Griffin, Janine Harper, Hmong Her, Tawanda Hilliard, Travis Hilliard, Chris Jackson, Yvette Johnson, Albert Lee, Alva Liimatta, Myder Ly, Ilea Lyons, Koua Moua, Ronnitrea Pilgrim, Denneen Russell, Scotte Spencer, Austin St. Peter, Cary Xiong, Bob Yang, Lisa Yang, Mary Yang, Pa Yang, Peter Yang, Yang Yang, John Youngquist, and Timothy Youngquist.

Members of the Delphi Interior and Lighting Systems engineering team include: Dr. Barbara A. Sanders, Hassan Anahid, Mike Aubry, Craig Blanchard, Robert Brooks, Michael Caivaglia, Joe Cranston, Dan D'Addario, Brian Deplae, Jeremy Husic, Joseph Johnson, Marvin Lewis, Saundra Marion, Jane Maselli, Shannon Moore, Mark Nicholas, Amanda Offer, Joe Otenbaker, Tom Osborne, Chantell Parentea, Joe Picciurro, William Priest, Vijay Srinivas, Mark Steffe, Angelica Tasker, Ronald Wilde, Kimberely Will, Kevin Wright, and Joe Zwolinski.

Mr. Speaker, in order for our nation to remain a leader in the global economy we must recognize the importance of science and technology education. For three years, teachers, volunteers, sponsors and participants of the Pontiac Central/Delphi Interior and Lighting Systems FIRST Robotics team have been committed to ensuring that our nation's future doctors, engineers, and scientists have the skills necessary to succeed in the 21st century.

INTRODUCTION OF BILL ON FINANCIAL DERIVATIVE

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. LEACH. Mr. Speaker, over the past several years, financial engineers in our great banks and securities houses have come up with scores of new products that have kept the United States far in the lead as the world's preeminent financial market place.

None of these new-age products has been more successful than derivative financial instruments, which, as the name suggests, derive their value from the worth of an underlying product, such as a precious metal, the interest rate of a government bond or stock index. Derivatives enable banks, corporations, mutual funds, pension funds—indeed, anyone with a substantial portfolio—to mitigate risks from volatility in interest rates, commodity prices and equity values. There is hardly anyone in America today who has physically touched, but who has not been indirectly touched by financial derivative instruments.

Banks pioneered the over-the-counter derivatives markets and, though other important financial institutions have followed suit, banks still account for more than two thirds of the business in swaps and other O–T–C instruments. That market today has a so-called notional value of several trillion dollars, and the American share of it has added to the health of our financial services sector.

Our fragmented and antiquated financial laws and regulations, however, threaten American leadership in that sector of the industry. The fact that new financial products don't easily fit definitions that were written long before these products were invented has produced legal uncertainty in some critical areas like swap contracts and trades in hybrid instruments—uncertainty that some regulators may have exacerbated by a drive to enlarge bureaucratic turf. As a result, some of this homegrown financial business has moved out of our great financial centers—to place like London, where counterparties to a swap agreement can be certain that the sanctity of their contract is secure and not, as it might be here, vulnerable to the whims of a regulator insufficiently apprised that people don't like to do

business in markets where the sanctity of their contracts may be in doubt.

Technology has transformed the financial services industry in the last few years, and the onrush of change continues. If the gaps and ambiguities in our statutes are not corrected, and corrected soon, our financial markets may lose even more business.

There must be consistency, coordination and clarity in our regulations of derivative instruments. Our laws and regulations must be harmonized so that regulatory turf battles can be lessened and regulatory arbitrage eliminated.

I have not been impressed with the activities of our current coordinating bodies, like the President's Working Group of Financial Markets, which are supposed to sort out conflicts among financial regulators and produce decisions balancing public and private interests. In Congressional testimony last week, Chairman Brooksley Born of the CFTC said the President's Working Group simply doesn't do much, and that it's up to each agency to act within its own statutory authority. But I'm not impressed either by the efforts of one agency unilaterally to gain control of over-the-counter markets.

Effective regulation of derivatives markets has profound consequences on consumers and industry alike. The public needs fair and efficient markets, markets in which it can have complete confidence. Financial institutions need sensible regulation that will neither impair its ability to innovate nor burden it with onerous requirements. And both public and industry need regulations and regulators who can keep up with the pace of technological change without driving market participants to less prudential foreign markets.

The bill I am introducing today would create a study group to bring the laws and regulations of over-the-counter markets up to date. The Working Group on Financial Derivatives will be chaired by the Secretary of the Treasury and include the principal banking and financial market overseers. They will be asked to devise changes that will clarify and, I hope, simplify and rationalize our current crazy quilt of regulations and regulators. They will have one year to make their recommendations to Congress.

Mr. Speaker, it isn't only the United States which needs clarity in financial regulation. The financial business is a global business, and it can, and does, shift from one market to another almost on a moment's notice in response to regulatory pressure. If we are to end regulatory arbitrage—the practice in which business moves to the most lightly regulated markets, and regulators compete for business by offering the lightest regulations—we must approach this multinationally.

My bill would ask the Administration to enter into negotiations with the objective of establishing comparable regulation in the world's principal financial centers. Markets here and abroad should be efficient, transparent, and fair to their customers. The safety and soundness of the world financial system depends on it.

Below is the financial derivatives bill:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Financial Derivatives Supervisory Improvement Act of 1998''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) There should be consistency, coordination, and clarity in the regulation of derivative instruments used by financial institutions.

(2) Banks and their affiliates developed, and remain the principal participants in, the derivatives markets.

(3) Regulation of the derivatives markets directly affects the liquidity, efficiency, capital position, and safety and soundness of the banking industry and the safety and soundness of the Federal deposit insurance fund.

(4) Regulation of the derivatives markets has profound consequences for the continued effectiveness of the bank supervisory process, including the capital provisions of the Federal banking agencies.

(5) Statutes and regulations governing use of financial derivatives by depository institutions in the United States, including over-the-counter and exchange-traded derivatives, should be brought up to date to reflect the rapid evolution of the markets in recent years, framed so as to keep pace with changes in the markets brought on by the onrush of technological advances, and formulated in a manner that enhances the legal certainty of derivatives transactions.

(6) The Congress desires interagency cooperation to harmonize, to the maximum extent possible, United States rules and regulations related to the derivatives markets.

(7) Regulatory arbitrage is a fact of commerce, with market participants having the tendency to move to the weakest regulator.

(8) The stability of the international financial system and the competitive position of United States financial institutions are jeopardized if foreign markets are regulated less prudently than United States markets.

SEC. 3. ESTABLISHMENT OF WORKING GROUP ON FINANCIAL DERIVATIVES.

(a) ESTABLISHMENT; COMPOSITION.—There is established the Working Group on Financial Derivatives, which shall consist of—

(1) the Secretary of the Treasury;

(2) the Chairman of the Board of Governors of the Federal Reserve System;

(3) the Chairman of the Securities and Exchange Commission;

(4) the Chairman of the Commodity Futures Trading Commission;

(5) the Comptroller of the Currency;

(6) the Director of the Office of Thrift Supervision;

(7) the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation; and

(8) the President of the Federal Reserve Bank of New York.

(b) CHAIRMANSHIP.—The Chairman of the Working Group on Financial Derivatives shall be the Secretary of the Treasury.

(c) DESIGNATION OF OFFICERS AND EMPLOYEES.—The members of the Working Group on Financial Derivatives may, from time to time, designate other officers or employees of their respective agencies to assist in carrying out the duties on the Working Group on Financial Derivatives.

(d) ESTABLISHMENT OF ADVISORY COMMITTEES.—In the development of recommendations related to derivative products, the Working Group on Financial Derivatives shall consult, to the widest extent possible, with market participants, and may establish advisory committees accordingly.

(e) SUNSET; REPORTS.—The Working Group on Financial Derivatives shall cease to exist upon the enactment of legislation authorizing appropriations for the Commodity Futures Trading Commission for any fiscal year after fiscal year 2000. The Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System shall submit to the Congress every 6 months, during the 4-year period beginning on the date of such cessation, a report on the progress of the implementation of the recommendations of the Working Group on Financial Derivatives.

SEC. 4. STUDY AND RECOMMENDATIONS ON REGULATION OF DERIVATIVES MARKETS.

(a) STUDY.—The Working Group on Financial Derivatives established under section 2—

(1) shall conduct a study on the regulation of the derivatives markets, including over-the-counter derivatives and exchange-traded derivatives, in which depository institutions, brokers or dealers registered under the Securities and Exchange Act of 1934, foreign banks, or affiliates of a depository institution or a foreign bank, participate; and

(2) shall develop recommendations for modernizing and harmonizing statutes, regulations, and policies—

(A) to reflect changes in the markets described in paragraph (1);

(B) to improve their operations;

(C) to enhance legal certainty for all types of instruments related to such markets, including hybrid instruments and swap agreements; and

(D) to promote the harmonization of regulation of such markets worldwide.

(b) REPORTS.—

(1) INTERIM REPORT.—Not later than 6 months after the date of the enactment of this Act, the Working Group on Financial Derivatives established under section 2 shall submit an interim report to the Congress describing the working group's progress.

(2) FINAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Working Group on Financial Derivatives established under section 2 shall submit a final report to the Congress describing the study conducted under subsection (a)(1) and containing the recommendations developed under subsection (a)(2).

(3) SEPARATE VIEWS.—The reports under paragraph (1) and (2) may include separately stated views of any member of the working group.

SEC. 5. PROTECTION OF INTERNATIONAL BANKING SYSTEM.

To protect customers, stabilize the international financial system, and underpin the safety and soundness of banking institutions in the United States and the banking system around the world, the Government of the United States and the Working Group on Financial Derivatives should make a high priority continual negotiations to ensure that foreign markets and regulatory bodies establish and maintain regulations comparably prudent to those applicable in United States markets.

SEC. 6. RESTRICTIONS RELATING TO HYBRID INSTRUMENTS AND SWAP AGREEMENTS.

Notwithstanding any other provision of law—

(1) during the period beginning on the date of the enactment of this Act and ending upon the enactment of legislation authorizing appropriations for the Commodity Futures Trading Commission for any fiscal year after fiscal year 2000, the Commodity Futures Trading Commission may not, without the approval of the Secretary of the Treasury, propose or promulgate any rule, regulation, or order, or issue any interpretive or policy statement, that restricts or regulates activity in a hybrid instrument or swap agreement—

(A) that is eligible for exemption under part 34 or 35 of title 17, Code of Federal Regulations (as in effect on January 1, 1998); and

(B) to which a depository institution, a broker or dealer registered under the Securities and Exchange Act of 1934, a foreign bank, or an affiliate of a depository institution or a foreign bank, is a party; and

(2) a hybrid instrument or swap agreement described in paragraph (1) that is entered into before the period described in such paragraph shall not be subject to section 2(a)(1)(B)(v) of the Commodity Exchange Act (7 U.S.C. 2a(a)(1)(B)(v)).

SEC. 7. DEFINITIONS.

For purposes of this Act:

(1) The term ''depository institution'' has the meaning given such term in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)).

(2) The term ''foreign bank'' has the meaning given such term in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(b)(7)).

CONGRATULATION TO THE VILLAGE OF EIK RAPIDS, MI

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. STUPAK. Mr. Speaker, a small village in my district, the 1st Congressional District of Michigan, is celebrating its sesquicentennial in 1998. In its 150-year history Elk Rapids, like so many small Midwestern cities and villages, has grown grow from the homestead of a single hardy pioneering family to a community with a rich and unique heritage.

Like other Midwestern communities, Elk Rapids has witnessed the lure of lumber and furs, has seen boom times and times of economic hardship, and has renewed itself through several generations with the same strength and courage demonstrated by its original settlers. Through research and recollection, the village leaders in a resolution marking their sesquicentennial have distilled those 150 years into a brief history, which I will related to you, Mr. Speaker.

The community's story begins in the mid-1800s, when Abram Wadsworth, a government surveyor from Durham, Conn., came to the region to explore the Grand Travese Territory in northwestern Lower Michigan. Mr. Wadsworth's task was to explore the Territory in general, and specifically to survey land in the section now known as Elk Rapids.

Mr. Wadsworth, on one of his visits, found a pair of elk horns in the rapids near the mouth of the Elk River and determined that this pristine and picturesque spot would be especially well-suited for the construction of a sawmill for the purpose of processing timber cut from the vast hardwood stands of Antrim County. He erected in 1848 the first permanent dwelling on the shores of Grand Traverse Bay in the general vicinity of the present Elk Rapids Township Hall.

This structure led to the eventual settlement and development of a town around that site, which has grown through the hard work and dedication of its citizens over the last 150 years to become the Village of Elk Rapids.

The village grew to a thriving community which based its livelihood on the lumber industry. The community sent out lumber and drew its local supplies via rail lines on the landward side and through docks on the Grand Traverse Bay side that drew steamers from Milwaukee and Chicago.

The population of the village grew to a bustling 1,800 by the year 1905, fell with the decline of the lumber industry to 530 people by the year 1930, but has grown again to more than 1,600. With the natural attraction of the water and the moderate temperatures caused by its nearness to Lake Michigan, the village now bases its livelihood on fruit farming and tourism. Community leaders are optimistic about the future of Elk Rapids as it prepares for its next 150 years.

I am proud to be a participant in the events of Founder's Day, June 20, 1998, which has been officially designated as the day to spotlight this auspicious occasion.

Mr. Speaker, by proclamation of the Village of Elk Rapids, I encourage my colleagues, and I encourage all residents, business people and visitors to the village to recognize and celebrate this milestone in ways that heighten civic pride and inspire further preservation of the historical, cultural and natural characteristics that make Elk Rapids one of the most enchanting places on the face of the Earth.

PERSONAL EXPLANATION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. EVERETT. Mr. Speaker, on June 11th, I was unable to cast my vote in support of H.R. 466, condemning the brutal killing of James Byrd, Jr. The measure was not scheduled for the day's legislative business, and I had already committed to travel plans to reach my district that evening. Had I been present, I would have voted ''aye.''

BILL OF RIGHTS AND CAMPAIGN REFORM

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. DELAY. Mr. Speaker, as we begin the debate on so-called campaign reform, my colleagues should take a moment to read the following column from Dennis Byrne of the Chicago Sun Times. He has it exactly right—reformers think the First Amendment is a ''loophole'' that must be closed.

[From the Chicago Sun-Times, June 10, 1998]

BILL OF RIGHTS NO OBSTACLE TO 'REFORM'

(By Dennis Byrne)

When the House last week defeated a constitutional amendment to strengthen religious freedom, its opponents argued that we shouldn't be messing around with the Bill of Rights.

House Minority Leader Richard Gephardt of Missouri joined many fellow Democrats in defeating the amendment based on the logic that the First Amendment already protects religious freedoms.

So, guess who has introduced an amendment to change the Bill of Rights? That's right, Gephardt. He would allow Congress to restrict the First Amendment by limiting what Americans can say about political candidates and issues. But as the debate is joined on campaign finance reform, a Gephardt spokeswoman said he would vote ''present'' on his own amendment. Democrats charge that Republicans are calling for a vote now on the amendment to embarrass the Democrats.

They should be embarrassed.

It was bad enough that many Democrats, along with a few Republicans, were pushing a version of campaign finance ''reform'' that would fly in the face of Supreme Court rulings limiting how much Congress can restrict Americans' political speech as expressed through their campaign contributions. Now their favorite bill, McCain-Feingold, is being topped by a worse version, Shays-Meehan (HR 3526), backed by President Clinton, Common Cause and the League of Women Voters.

Get a load of some of its proposals, according to an analysis by the National Right to Life Committee:

It would impose year-round restrictions on what incorporated citizens advocacy groups that are not political action committees can say about issue and candidates. They wouldn't be allowed to publish anything that mentions a lawmaker in connection with judgment about his actions or beliefs. For example, a community organization would not be able to note approvingly that Rep. Rod Blagojevich (D-Ill.) opposed the recycling of napalm in East Chicago.

Any group that ''coordinated'' with a candidate, even to the point of having the same printer, would be banned during the year from even naming a candidate ''for the purpose of influencing a federal election,'' a test that is so vague as to be unconstitutional. Such a group couldn't issue any communication having ''value'' to the candidate, even if the candidate isn't named.

''Coordination'' also would include the common practice among groups of sending a written questionnaire to candidates and then disseminating the results. It also would include ''policymaking discussions'' with a ''candidate's campaign,'' which could rule out lobbying.

Within 60 days of a congressional primary campaign, such groups couldn't mention the name of a candidate, even in ads that alert citizens to upcoming votes in Congress. Groups could obtain an exception for putting out materials about voting records and positions, but the information must be presented ''in an educational manner''—another unconstitutionally vague test.

There's more, but this is as much as I can take.

The meaning of the First Amendment is clear: In the interest of hearty debate, government can't restrict the people's right to talk about the government. Instead, campaign finance ''reformers'' would have government decide what people are allowed to say about their elected officials (read: their government).

The answer to campaign finance abuse is to enforce the laws we already have—would that Attorney General Janet Reno ask for an independent counsel to investigate presidential fund-raising shenanigans.

The constitutional answer is to strengthen free speech by removing the arbitrary restrictions now imposed on campaign donations, while requiring complete, clear and immediate disclosure.

But if ''reformers'' get their way, the rules will become so complex and arcane that Americans first will have to consult their lawyers to find out what government allows them to say about government. The answer will be: Not much.

Dennis Byrne is a member of the Sun-Times editorial board.

IN RECOGNITION OF THE PORT WASHINGTON YOUTH ACTIVITIES 8TH ANNUAL HALL OF FAME DINNER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. ACKERMAN. Mr. Speaker, I rise today to recognize three individuals who will be honored on Friday, June 19th, 1998, for their dedication and support of youth activities in the town of Port Washington, New York. Julius Picardi, Frank Giordano and Jack Sommerville will be so honored by induction into the Port Washington Youth Activities Hall of Fame at the PYA's eighth annual affair. They will join a select group of twenty others who have been previously recognized by the PYA.

Mr. Picardi has been a dynamic force in the growth of the PYA during the 1980s serving as coach, organization treasurer, officer and director for over fifteen years. Mr. Giordano is cited for his athletic achievements including collegiate lacrosse at the United States Military Academy in the early 1980s. Many of his skills and his dedication to excellence were developed in his active days as a youth in the PYA programs. Finally, Mr. Sommerville is remembered for his tireless dedication as coach and supporter of PYA baseball programs for more than ten years.

All three of these gentlemen are recognized for their individual and collective contributions to youth sports and all they embody. They are an excellent reflection upon themselves, their families, their community and the volunteer spirit of American organizations, such as PYA. Mr. Speaker, I ask my colleagues to join with me in recognizing these individuals who are most deserving of this honor, with special appreciation from their neighbors and friends.

THE ASSISTIVE AND UNIVERSALLY DESIGNED TECHNOLOGY IMPROVEMENT ACT FOR INDIVIDUALS WITH DISABILITIES

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mrs. MORELLA. Mr. Speaker, I am pleased today to introduce H.R. XX, the Assistive and Universally Designed Technology Improvement Act for Individuals with Disabilities. H.R. XX is the House companion bill to S. 2173 offered by my distinguished Senate colleague from Missouri, Mr. BOND.

Last July, my Technology Subcommittee held a hearing focusing on the transfer of federal technologies to meet the needs of those with disabled conditions. We learned from the hearing that these technologies, known as ''assistive technologies'' are being used to increase, maintain, and improve the functional capabilities of individuals with disabilities.

Assistive technologies is a device, whether acquired commercially, off-the-shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of individuals with disabilities. Examples of assistive technologies, which provide for more independent, productive, and enjoyable living, can be simple or complex. It ranges from: Velcro, adapted clothing and toys, computers, seating systems, powered mobility, augmentative communication devices, special switches, assisted listening devices, visual aids, memory prosthetics, to thousands of other commercially available or adapted items. As examples, it can be: a computer that can be used by an individual with Cerebral Palsy, a motor scooter, a hearing aid for an individual who is aging, or enhanced voice recognition for someone with Multiple Sclerosis.

Assistive technologies provide a disabled individual the means to function better in the workplace or the home. This technology, which aids Americans with physical or mental disabilities, improves the end users' quality of life and provides a means for acquiring a job. For the 49 million people in the United States who have disabilities, as well as for Americans who are able bodied, assistive technologies have yielded a tremendous number of quality of life enhancements.

These technology solutions improve an individual's ability to learn, compete, work and interact with family and friends. People use assistive technology to achieve greater independence and to enhance the quality of their lives.

A preliminary study on the impact and benefits of assistive technologies was conducted by the National Council on Disability in 1993. Surveyed were 136 individuals with disabilities to evaluate the costs and benefits associated with the use of different kinds of technology-related assistance. The individuals were from four age groups and the results indicate a significant impact of assistive technologies on many aspects of the respondents lives, including: the majority of infants with disabilities benefited by having fewer health problems; nearly 75% of school age children were able to remain in a regular classroom, and 45% were able to reduce their use of school-related services; 65% of working-age persons were able to reduce dependence on family members, 58% were able to reduce dependence on paid assistance, and 37% were able to increase earnings. Among elderly persons, 80% were able to reduce dependence on others, half were able to reduce dependency on paid persons, and half were able to avoid entering a nursing home.

As a result of our July hearing, the Technology Subcommittee was impressed with the need for a greater emphasis to develop assistive technologies. Yet, the area of assistive technology is greatly overlooked by the Federal Government and the private sector. While the importance of assistive technologies spans age and disability classifications, assistive technology does not maintain the recognition in the Federal Government necessary to provide important assistance for research and development programs or to individuals with disabilities.

The private sector generally lacks adequate incentives to produce assistive technologies and end-users lack adequate resources to acquire assistive technology. It is also believed that there are insufficient links between federally funded assistive technology research and development programs and the private sector entities responsible for translating research and development into significant new products in the marketplace for end-users.

H.R. — provides federally supported incentives in all areas of assistive and universally designed technology, including need identification, research and development, product evaluation, technology transfer, and commercialization. These incentives achieve the goal of improving the quality, functional capability, distribution, and affordability of this essential technology. The legislation seeks to:

Improve the peer review process at the National Institute on Disability Research and Rehabilitation (NIDRR) at the Department of Education. These improvements would provide greater assistive and universally designed technology products to the marketplace, increase small business involvement in research and development, and assure research and development efforts would cover all disability groups including persons with physical and mental disabilities, as well as the aging and rural technology users.

Augment technology transfer by improving the role of the Interagency Committee on Disability Research (ICDR) to increase its authority, accountability and ability to coordinate. Provisions are included for the increased usage of the Federal labs to improve coordination with all Federal agencies involved in assistive and universally designed technology research and development and for providing public and private sector partnerships for assistive and universally designed technology research and development.

Increase the market for assistive technology by clarifying Title III of the Tech Act for the Microloan program. This microloan program assists disabled persons in obtaining assistive and universally designed technology.

Authorizes funding for the Interagency Committee on Disability Research to hire staff and for operating costs associated with issuing surveys and reports and to the National Institute on Disability Research and Rehabilitation to provide for assistive and universally designed technology research and development.

Increase access to assistive and universally designed technology by creating tax incentives to provide businesses a tax credit for the development of assistive technology, to expand the architectural and transportation barrier removal deduction to include communication barriers, and to expand the work opportunity credit to include expenses incurred in the acquisition of technology to facilitate the employment of any individual with a disability.

I am pleased that H.R. — already has the support of the United Cerebral Palsy Association, the Rehabilitation Engineering and Assistive Technology Society of North America, the National Easter Seal Society, and The Association of Tech Act Projects.

Mr. Speaker, I urge my colleagues to support this important bill and I will work towards enactment of this worthy legislation.

TRIBUTE TO COLONEL GREGORY G. BEAN

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. FORD. Mr. Speaker, I rise today to ask that my colleagues in the House of Representatives pay tribute to Colonel Gregory G. Bean. Since 1995, Colonel Bean has served with distinction as the District Engineer of the U.S. Army Corps of Engineers Memphis District in Tennessee's Ninth Congressional District.

As a result of his outstanding leadership, technical competence and commitment to excellence, the Memphis District has effectively and efficiently executed its flood control, navigation and environmental missions. During his tenure, Colonel Bean managed a number of projects that will have lasting benefits for the people of Tennessee's Ninth Congressional District and the nation. These projects include the Nonconnah Creek Flood Control project, the Wolf River environmental restoration and flood control study, and flood control and navigation maintenance on the Mississippi River, the Wolf River Harbor and the McKellar Lake Harbor.

In addition to his accomplishments as an engineer, Colonel Bean also possesses considerable management-employee relations skills. After assuming his post, he worked hard to cultivate a relationship of mutual trust and respect among the employees and management of the Memphis District. As a result, Local 259 of the National Federation of Federal Employees nominated Colonel Bean for a Society of Federal Labor Relations Professionals award for having the most improved labor/management relationship. In May, Colonel Bean was selected from a large number of nominees for the award.

Although Colonel Bean will be missed by all who had the privilege to work or be associated with him, I am confident that his legacy will continue. In July, Colonel Bean will assume the post of Deputy Director of the Maneuver Support Battle Lab in Ft. Leonard Wood, Missouri. I ask my colleagues to join me in honoring an individual who has throughout his career demonstrated through deed, courage and strong leadership that he is a professional soldier and an outstanding engineer.

AID FOR AMERICA'S NEEDIEST FAMILIES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. SMITH of New Jersey. Mr. Speaker, today, I am introducing legislation that would protect poor mothers and their children who have been victims of the so-called family cap-child exclusion provision used by 23 states including my own state of New Jersey.

Three years ago, I supported efforts to reform our nation's federal welfare system. However, I had grave concerns at the time about a provision in the House's version of welfare reform legislation that would have cut off cash assistance for any additional children born to a woman while she was on welfare, known as the family cap. I objected to this provision because I believed that it would encourage women to have abortions in their hour of greatest need or drive families farther into poverty.

The bill I am introducing today no longer allows states to implement their own version of a family cap if they desire to continue to receive their Temporary Assistance to Needy Families (TANF) block grant. My bill is very simple: a state will receive its TANF dollars as long as it does not impose a family cap upon America's neediest families.

In 1995, I tried to ban the family cap but failed. I admitted at the time that the family cap-child exclusion proposal had enormous surface appeal, since people were fed up with abuse of the welfare system. As a result, I introduced an amendment which gave states the option to use a voucher system if they chose to do away with cash benefits as part of a larger family cap policy. My amendment passed overwhelmingly by a vote of 352 to 80.

The two most predictable outcomes of the family cap-child exclusion policy as implemented by twenty-three states are the likely increase in the number of babies aborted by indigent women—many of whom will feel financially trapped and abandoned—and the further impoverishment of children born to women on welfare.

Recently, my worst fears regarding abortion and the family cap were confirmed by a Rutgers University draft study prepared for the state of New Jersey which estimated that New Jersey's abortion rate increased by 240 abortions per year as a result of the state's family cap. As a result, since 1993, nearly 900 abortions have occurred in New Jersey due to the family cap. Thousands of other children have also been left to fend for themselves because their parents are not allowed to receive assistance on their behalf. I led a broad-based coalition of groups opposing the state's original request for a waiver in 1992 to implement a family cap policy because we knew that the family cap would only drive women into greater depths of poverty and despair and consequently increase the likelihood that they would abort their child. Sadly, our concerns were confirmed by the Rutgers study.

We knew at the time that money—or more precisely the lack of it—heavily influences a woman's decision to abort her child. A major study by the Alan Guttmacher Institute, a research organization associated with Planned Parenthood, found that 68% of women having abortions said they did so because ''they could not afford to have a child now.'' Among 21% of the total sample this was the most important reason for the abortion; no other factor was cited more frequently as ''most important.''

Demographers have pointed out that ''young, poor, and minority women are more likely to have abortions than older, more affluent, and white women,'' even though ''these same groups are also more likely to oppose the right to abortion . . . Seven in ten (70 percent) women with incomes of less than $25,000 disapprove of abortion, compared with 52 percent of more affluent women. [Yet] poorer women account for two-thirds (67 percent) of abortions.'' One expert observes: ''Few would say an abortion is a good thing, but many women who believe that abortion is wrong find themselves unable to support a child when they become pregnant.''

The family cap is likely to tip the balance for each poor woman who feels that society has no real interest in the survival of her baby. She will get a powerfully negative message—that her child has no value—especially from those states where Medicaid abortion is readily available.

Then one of two things will happen. The woman will have an abortion, or the family will descend further into poverty.

Mr. Speaker, the family cap/child exclusion might present a close question if the incremental payment for a new baby were really so high that it might encourage women and girls to get pregnant and have babies just to get welfare. But this concern simply evaporates when we look at the facts.

The additional assistance per child varies from state to state, but the median is $57 per month—fifty-seven dollars. Out of this the mother must pay for the child's clothing, shoes, diapers and other baby supplies, laundry, and bus fare for medical checkups. According to statistics compiled by Catholic Charities in 1994, the low-end costs for these items total $88.50 per month. So the mother is $31.50 in the hole even before she begins paying for the child's other expenses. We simply mislead ourselves when we assume that this constitutes an incentive to have more babies.

Mr. Speaker, there was much about the welfare system that needed changing in 1995—people were trapped in the cycle of poverty and despair. They needed a new program. They needed help and the bulk of our new provisions have been beneficial. But letting states pay to terminate the life of a child while the same state refuses to pay a mere $64 a month for food and clothing for that child is unconscionable. Instead, if we want welfare to be temporary and to be a true safety net—a safety net against abortion under duress, a safety net against descent into deeper poverty, then we must ban the family cap.

One abortion is one too many. It is wrong for the government, whether it be federal, state, or local to embrace policies that would promote abortion and financial impoverishment. The family cap does just that. I encourage my colleagues to join me in cosponsoring my legislation.

TRIBUTE TO DR. EVELYN G. LEWIS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. PAYNE. Mr. Speaker, today I would like my colleagues here in the United States House of Representatives to join me in honoring a dedicated public servant, and a very special person, Dr. Evelyn G. Lewis, who is retiring after 35 years in Education with her most recent tenure as principal of University High School in Newark.

We in Essex County have been very fortunate to have a person of Dr. Lewis's talent and outstanding abilities, working on behalf of our children. In addition to her many achievements at University High School, Dr. Lewis also distinguished herself as a hardworking individual. She has served as Originator and Coordinator of the ''Newark Business Skills Olympics''. Organizer and Chairperson of Newark's Business Advisory Committee and Chair of the Curriculum Committees and the Textbook Review Committee.

On Friday, June 12, 1998 family, friends and colleagues of Dr. Lewis will gather to honor her for her many contributions to the youth of Essex County. Mr. Speaker, let us join in congratulating Dr. Lewis and wishing her all the best as she leaves public service and pursues new challenges.

CONDEMNING THE BRUTAL KILLING OF MR. JAMES BYRD, JR.

SPEECH OF

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 11, 1998

Mr. POSHARD. Mr. Speaker, I am proud to be a co-sponsor of House Resolution 466, and I rise today to join my colleagues in expressing my deep sorrow and strong condemnation of the vicious, senseless murder of Mr. James Byrd, Jr., in Jasper, Texas. It is profoundly disturbing to me that such a heinous expression of racial hatred could still occur, but I hope that this shocking event can serve to bring us together in a renewed call for the justice, tolerance and harmony which have been so long in coming to this nation.

I would also like to express my heartfelt condolences to those who knew and loved Mr. Byrd. While all of us are feeling the pain that comes with realizing our society is not yet free of this kind of violence, it is Mr. Byrd's family and friends who are bearing the heaviest burden of all, and I hope they will feel our thoughts and prayers with them as they struggle with their loss.

I want to thank the Congresswoman from California, Ms. WATERS, for offering such a powerful resolution. I urge my colleagues and all Americans to take this tragedy and transform it into an inspiration to fight against the evil and hatred that could make such a thing possible. We must not allow ourselves to become complacent while there is still work to be done, for we will not be a truly great nation until racism and discrimination have become nothing more than relics of the past.

IN HONOR OF RICHARD ALBERT MCCULLOCK

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Ms. SANCHEZ. Mr. Speaker, today I rise to pay tribute to an outstanding citizen of the United States of America, Richard Albert McCullock.

Mr. McCullock was born in Bloomington, Illinois, on July 26, 1924. At the age of eighteen he joined the U.S. Army in the infantry, and later was transferred to the Engineers, 3rd Division. It was the beginning of World War II, and he was sent to the European theater where he fought during the D-Day Invasion of Normandy.

When he returned to the United States he met Marilyn Hedrick, and was married on June 7, 1947. The McCullocks have recently celebrated their 51st wedding anniversary. They have five children and twelve grandchildren.

The McCullocks have lived in Garden Grove, California, in the 46th Congressional District, for forty-four years. During that time, Mr. McCullock has devoted his energies to some very important causes and issues. As a member of the Elks Lodge, he began a clown program to entertain youth at charitable events, and also began a program on American culture.

Mr. McCullock's love for his country, and for the American flag, is very evident. The Garden Grove Elks are responsible for having a row of flags on both sides of Main Street in downtown Garden Grove. The Garden Grove City Council just approved the flags this June. This is due in large part to Mr. McCullock's persistence and emphasis on the beauty and meaning of the American flag.

Mr. McCullock comes into my office quite often, to order flags for Eagle Scouts or for other special occasions. He updates my staff on the correct flag protocol and has taught my staff a great deal about the history of the American flag. In a sense, he is the keeper of the flags, and insures that the American flag is flown outside my Garden Grove office for all to admire.

I ask you all to join me today to salute this fine American, who has served his country during its darkest hours, and who has protected and upheld our flag. He is a shining example of what it means to be American.

TRIBUTE TO DR. JOHN A MCCALL, JR.

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. TURNER. Mr. Speaker, I would like to take this opportunity to recognize Dr. John A. McCall, Jr., of Crockett, Texas. On June 26, 1998, Dr. McCall will have the high honor of being inaugurated as president of the American Optometric Association at the AOA's 101st Annual Congress in Orlando, Florida.

Dr. McCall is a graduate of the University of Houston College of Optometry. He has served the AOA as a member of the board of trustees, as secretary-treasurer, as vice-president and as president-elect. He has also served on the board of directors of the Texas Optometric Association (TOA), and was president of the TOA in 1989. In 1982, he was named TOA's Young Optometrist of the Year, and in 1991 he was selected as the TOA's Optometrist of the Year.

Dr. McCall's accomplishments are impressive and extend beyond his profession. He served as the mayor of Crockett from 1989–1991, and was a member of the city council for six years. He also served as president of the Crockett Rotary Club and Jaycees. He was honored for his service to those organizations with the Jaycee Distinguished Service Award and the Rotary Club Community Service Award.

Dr. McCall is a member of the medical staff at the East Texas Medical Center of Crockett, where he has been providing emergency room coverage for ocular trauma since 1984. He currently serves as secretary of the medical staff and is a member of the ER review committee.

Dr. McCall is in practice with his father, Dr. John A. McCall, Sr., O.D., but his ties to optometry run even deeper than that. The lineage of optometrists in his family extends to his wife, Anne, two of his uncles, his father-in-law and his brother-in-law. Not surprisingly, his daughter is currently in pre-optometric studies at Southern Methodist University.

Dr. John McCall has distinguished himself as an outstanding leader in his profession and his community. I am pleased to join his many friends and colleagues in congratulating him on becoming the 77th president of the American Optometric Association.

IN HONOR OF THE 15TH ANNIVERSARY OF THE PATIENT/FAMILY PSYCHOEDUCATION GROUP

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 16, 1998

Mr. SCHUMER. Mr. Speaker, I rise before my colleagues to commend the success of the Kings County Hospital Center's Patient/Family Psychoeducation Group, on their fifteenth anniversary. Since its founding in 1983, this group, geared mostly towards patients with Schizophrenia and Bipolar Disease, has been combating the rehospitalization of patients following their discharge from inpatient settings.

This program has yielded many positive effects, a record of which has been published in the March 1993 issue of the Journal of Psychosocial Nursing. The Psychoeducation Group has helped many patients who have been out of the hospital, to change a pattern of recidivism for consistent outpatient treatment.

The Psychoeducation Group consists of patients and families that are primarily, immigrants from the Caribbean nations. The program has been well received by this group, and the information sharing model has been very effective.

I would like to recognize the hard work and commitment that the Psychoeducation Group has exhibited throughout the past fifteen years. Its efforts have truly changed the nature of many lives

Daily Digest

HIGHLIGHTS

House passed 8 measures under suspension of the rules including H.R. 3156, to present a Congressional Gold Medal to Nelson Mandela.

House Committee ordered reported the following Appropriations for Fiscal Year 1999; Energy and Water Development; Military Construction; and Agriculture, Rural Development, and Food and Drug Administration, and related Agencies.

Senate

Chamber Action

Routine Proceedings, pages S6357–S6432

Measures Introduced: Eleven bills and one resolution were introduced, as follows: S. 2170–2180, and S. Res. 249. **Page S6405**

Measures Passed:

Congratulating the Chicago Bulls: Senate agreed to S. Res. 249, to congratulate the Chicago Bulls on winning the 1998 National Basketball Association Championship. **Pages S6429–30**

Universal Tobacco Settlement Act: Senate resumed consideration of S. 1415, to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, and to redress the adverse health effects of tobacco use, with a modified committee amendment in the nature of a substitute (Amendment No. 2420), taking action on amendments proposed thereto, as follows: **Pages S6364–98**

Adopted:

By 49 yeas to 48 nays, 2 responding present (Vote No. 160), Gorton Modified Amendment No. 2705 (to Amendment No. 2437), to limit attorneys' fees. **Pages S6364–81**

Pending:

Gregg/Leahy Amendment No. 2433 (to Amendment No. 2420), to modify the provisions relating to civil liability for tobacco manufacturers. **Page S6364**

Gregg/Leahy Amendment No. 2434 (to Amendment No. 2433), in the nature of a substitute. **Page S6364**

Gramm Motion to recommit the bill to the Committee on Finance with instructions to report back forthwith, with Amendment No. 2436, to modify the provisions relating to civil liability for tobacco manufacturers, and to eliminate the marriage penalty reflected in the standard deduction and to ensure the earned income credit takes into account the elimination of such penalty. **Pages S6364–98**

Daschle (for Durbin) Amendment No. 2437 (to Amendment No. 2436), relating to reductions in underage tobacco usage. **Pages S6364–98**

Ford Amendment No. 2707 (to Amendment No. 2437), to provide assistance for eligible producers experiencing losses of farm income during the 1997 through 2004 crop years. **Pages S6383–98**

Senate will continue consideration of the bill on Wednesday, June 17, 1998.

Messages From the House: **Page S6399**

Measures Referred: **Page S6399**

Petitions: **Pages S6399–S6405**

Statements on Introduced Bills: **Pages S6405–23**

Additional Cosponsors: **Pages S6423–24**

Amendments Submitted: **Pages S6424–26**

Authority for Committees: **Page S6426**

Additional Statements: **Pages S6426–29**

Record Votes: One record vote was taken today. (Total—160) **Page S6381**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:31 p.m., until 9:30 a.m., on Wednesday, June 17, 1998. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6431.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—FOREIGN OPERATIONS

Committee on Appropriations: Subcommittee on Foreign Operations concluded hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, after receiving testimony from Madeleine K. Albright, Secretary of State.

NOMINATIONS

Committee on Armed Services: Committee concluded hearings on the nominations of Louis Caldera, of California, to be Secretary of the Army, and Daryl L. Jones, of Florida, to be Secretary of the Air Force, both of the Department of Defense, after the nominees testified and answered questions in their own behalf. Mr. Caldera was introduced by Senators Feinstein and Boxer, and Mr. Jones was introduced by Senators Mack, Graham, and Cochran, and Representative Foley.

PARENTAL ADVISORY LABELS

Committee on Commerce, Science, and Transportation: Committee held hearings to examine the effectiveness of advisory labels to inform consumers and parents of violent, racist, or sexual music content, receiving testimony from Charlie Gilreath, *Entertainment Monitor,* Los Angeles, California; Debbie Pelley, Westside Middle School, Jonesboro, Arkansas; Krist Novoselic, Joint Artists and Music Promotions Action Committee, Seattle, Washington; George Gerbner, Temple University, Philadelphia, Pennsylvania; and Barbara P. Wyatt, Parents' Music Resource Center, McLean, Virginia.

Hearings were recessed subject to call.

ENERGY AND WATER PROJECTS

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded hearings on the following bills:

H.R. 2165, to extend the deadline under the Federal Power Act applicable to the construction of Federal Energy Regulatory Commission Project Number 3862 in the State of Iowa, H.R. 2217, to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 9248 in the State of Colorado, and H.R. 2841, to extend the time required for the construction of a hydroelectric project in Kentucky, after receiving testimony from Kristina Nygaard, Assistant General Counsel, Hydroelectric Licensing, Federal Energy Regulatory Commission;

S. 2087, to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District in Arizona, after receiving testimony from William J. Snape, III, Defenders of Wildlife, Washington, D.C.; and Wade Noble, Wellton-Mohawk Irrigation and Drainage District, Yuma, Arizona;

S. 2142, to authorize the Secretary of the Interior to convey the facilities of the Pine River Project, to allow jurisdictional transfer of lands between the Department of Agriculture, Forest Service, and the Department of the Interior, Bureau of Reclamation, and the Bureau of Indian Affairs, after receiving testimony from Steve Pargin, Pine River Irrigation District, Bayfield, Colorado;

S. 2140, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Denver Water Reuse project, after receiving testimony from Mary Hoddinott, Denver Water Board, Denver, Colorado; and

S. 2041, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Willow Lake Natural Treatment System Project for the reclamation and reuse of water, after receiving testimony from Diane Taniguchi-Dennis, on behalf of the City of Salem, Oregon.

Testimony was also received on S. 2087, S. 2142, S. 2140, S. 2041 (all listed above), and S. 1398, to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir, from Eluid L. Martinez, Commissioner, Bureau of Reclamation, Department of the Interior.

PANAMA CANAL

Committee on Foreign Relations: Committee held hearings to examine United States interests in the Panama Canal, focusing on the transition from U.S. to Panamanian operation of the Canal pursuant to the Carter-Torrijos treaties ratified by the U.S. Senate in 1978, receiving testimony from Representative Barr; Adm. Thomas H. Moorer, USN (Ret.), former Chairman, Joint Chiefs of Staff; Mark Falcoff, American Enterprise Institute, Washington, D.C.; and Robert A. Pastor, Emory University, Atlanta, Georgia, on behalf of the Carter Center.

Hearings were recessed subject to call.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Shirley Elizabeth Barnes, of New York, to be Ambassador to the Republic of Madagascar, William Davis Clarke, of Maryland, to be Ambassador to the State of Eritrea,

Vivian Lowery Derryck, of Ohio, to be Assistant Administrator for Africa, Agency for International Development, George Williford Boyce Haley, of Maryland, to be Ambassador to the Republic of the Gambia, Katherine Hubay Peterson, of California, to be Ambassador to the Kingdom of Lesotho, Charles Richard Stith, of Massachusetts, to be Ambassador to the United Republic of Tanzania, Paul L. Cejas, of Florida, to be Ambassador to Belgium, Eric S. Edelman, of Virginia, to be Ambassador to the Republic of Finland, Nancy Halliday Ely-Raphel, of the District of Columbia, to be Ambassador to the Republic of Slovenia, Michael Craig Lemmon, of Florida, to be Ambassador to the Republic of Armenia, Rudolf Vilem Perina, of California, to be Ambassador to the Republic of Moldova, Edward L. Romero, of New Mexico, to be Ambassador to Spain and to serve concurrently and without additional compensation as Ambassador to Andorra, Cynthia Perrin Schneider, of Maryland, to be Ambassador to the Kingdom of the Netherlands, and Kenneth Spencer Yalowitz, of Virginia, to be Ambassador to the Republic of Georgia, after the nominees testified and answered questions in their own behalf. Ms. Derryck was introduced by Senator Glenn and Representative Payne, Mr. Haley was introduced by Senators Cochran and Roberts, Mr. Stith was introduced by Senators Kennedy and Kerry, Mr. Cejas was introduced by Senators Mack and Graham, and Mr. Romero was introduced by Senators Domenici and Bingaman.

MERGERS AND CORPORATE CONSOLIDATION

Committee on the Judiciary: Committee held hearings to examine the economic trends, size, scope and consequences associated with the current merger wave that is affecting a wide range of industries in the American economy, receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System; Janet L. Yellen, Chair, Council of Economic Advisers; Joel I. Klein, Assistant Attorney General, Antitrust Division, Department of Justice; and Robert Pitofsky, Chairman, Federal Trade Commission.

Hearings were recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 10 public bills, H.R. 4057–4058, 4061–4068; and 3 resolutions, H.J. Res. 122, and H. Res. 473–474, were introduced. **Page H4628**

Reports Filed: Reports were filed as follows:

H.R. 4059, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999 (H. Rept. 105–578)

H. Res. 471, waiving points of order against the conference report to accompany H.R. 2646, to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts (H. Rept. 105–579);

H. Res. 472, providing for consideration of H.R. 3097, to terminate the Internal Revenue Code of 1986 (H. Rept. 105–580);

H.R. 4060, making appropriations for energy and water development for the fiscal year ending September 30, 1999 (H. Rept. 105–581); and

H. Res. 463, to establish a select committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, amended (H. Rept. 105–582). **Page H4628**

Speaker pro Tempore: Read a letter from the Speaker wherein he designated Representative Radanovich to act as Speaker pro tempore for today. **Page H4569**

Recess: The House recessed at 1:16 p.m. and reconvened at 2:00 p.m. **Page H4575**

Private Calendar: On the call of the Private Calendar the House passed H.R. 375, amended, for the relief of Margarito Domantay; and H.R. 1949, amended, for the relief of Nuratu Olarewaju Abeke Kadiri. **Page H4576**

Presidential Message—Chemical Weapons: Read a message from the President wherein he transmitted his report concerning cost-sharing arrangements with respect to the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction—referred to the Committee on International Relations. **Page H4577**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Congressional Gold Medal to Nelson Mandela: H.R. 3156, to present a congressional gold medal to Nelson Rolihlahla Mandela; **Pages H4577–85**

Fastener Quality Act Amendments: H.R. 3824, amended, amending the Fastener Quality Act to exempt from its coverage certain fasteners approved by the Federal Aviation Administration for use in aircraft; **Pages H4585–90**

Telemarketing Fraud Prevention Act: Senate amendment to H.R. 1847, to improve the criminal law relating to fraud against consumers (agreed to by yea and nay vote of 411 yeas to 1 nay, Roll No. 232)—clearing the measure for the President; **Pages H4590–94, H4608**

California Indian Policy Extension Act: H.R. 3069, to extend the Advisory Council on California Indian Policy to allow the Advisory Council to advise Congress on the implementation of the proposals and recommendations of the Advisory Council; **Pages H4594–95**

Rogue River National Forest: H.R. 3796, to authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management; **Pages H4595–97**

National Drought Policy Act: H.R. 3035, amended, to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies; **Pages H4597–99**

Individuals With Disabilities Education Act: H. Res. 399, amended, urging the Congress and the President to work to fully fund the Federal Government's obligation under the Individuals with Disabilities Education Act. Agreed to amend the title; and **Pages H4599–H4603**

Ending of Social Promotion In America's Schools: H. Res. 401, amended, expressing the sense of the House of Representatives that social promotion in America's schools should be ended and can be ended through the use of high-quality, proven programs and practices (agreed to by a yea and nay vote of 405 yeas to 1 nay, Roll No. 233). **Pages H4603–08, H4608–09**

Late Report—Appropriations: The Committee on Appropriations received permission to have until midnight on Tuesday, June 16 to file reports on H.R. 4059, making appropriations for Military Construction and H.R. 4060, making appropriations for Energy and Water Development. **Pages H4610–11**

Late Report—Rules Committee: The Committee on Rules received permission to have until midnight on Tuesday, June 16 to file a report on H. Res. 463, to establish a select committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China. **Page H4619**

Senate Messages: Message received from the Senate today appears on page H4569.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H4629–36.

Quorum Calls—Votes: Two yea and nay votes developed during the proceedings of the House today and appear on pages H4608 and H4608–09. There were no quorum calls.

Adjournment: Met at 12:30 p.m. and adjourned at 8:11 p.m.

Committee Meetings

APPROPRIATION BILLS; BUDGET ALLOCATIONS

Committee on Appropriations: Ordered reported the following appropriations for Fiscal Year 1999: Energy and Water Development; Military Construction; and the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

The Committee also approved Section 302(b) Budget Allocations for fiscal year 1999.

CHILDREN'S DEVELOPMENT COMMISSION ACT

Committee on Banking and Financial Services: Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises held a hearing on H.R. 3637, Children's Development Commission Act. Testimony was heard from public witnesses.

NATIONAL OILHEAT RESEARCH ALLIANCE ACT

Committee on Commerce: Subcommittee on Energy and Power held a hearing on H.R. 3610, National Oilheat Research Alliance Act of 1998. Testimony was heard from public witnesses.

TEAMSTERS FINANCE REPORTING AND PENSION DISCLOSURES

Committee on Education and the Workforce, Subcommittee on Oversight and Investigations held a hearing on International Brotherhood of Teamsters Financing Reporting and Pension Disclosures. Testimony was heard from public witnesses.

Hearings continue tomorrow.

PEOPLE'S REPUBLIC OF CHINA—SALE OF BODY PARTS

Committee on Government Reform and Oversight, and the Committee on International Relations held a joint hearing on the Sale of Body Parts by the People's Republic of China, Part II. Testimony was heard from the following officials of the Department of State: John Shattuck, Assistant Secretary, Democracy, Human Rights and Labor Bureau; and Howard Lange, Acting Assistant Secretary, East Asian and Pacific Affairs Bureau; and a public witness.

Hearings continue tomorrow.

MISCELLANEOUS MEASURES

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology approved for full Committee action the following: as amended the Government Waste, Fraud, and Error Reduction Act of 1998; H.R. 2508, amended, to provide for the conveyance of Federal land in San Joaquin County, CA, to the city of Tracy, CA; and the Federal Procurement System Performance Measurement and Acquisition Workforce Training Act of 1998.

VICTIMS OF RELIGIOUS PERSECUTION AROUND THE WORLD

Committee on International Relations, Subcommittee on International Operations and Human Rights held a hearing on Victims of Religious Persecution Around the World. Testimony was heard from public witnesses.

RELIGIOUS LIBERTY PROTECTION ACT

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on H.R. 4019, Religious Liberty Protection Act of 1998. Testimony was heard from public witnesses.

CONFERENCE REPORT—EDUCATION SAVINGS AND SCHOOL EXCELLENCE ACT

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 2646, Education Savings and School Excellence Act of 1998, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Chairman Archer.

TAX CODE TERMINATION ACT

Committee on Rules: Granted, by voice vote, a closed rule providing 2 hours of debate on H.R. 3097, Tax Code Termination Act. The rule provides that the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution be considered as adopted. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Archer and Representatives Largent and Boswell.

SELECT COMMITTEE ON U.S. SECURITY AND MILITARY/COMMERCIAL CONCERNS WITH PEOPLE'S REPUBLIC OF CHINA

Committee on Rules: Ordered reported amended H. Res. 463, to establish the Select Committee on U.S. National Security and Military/Commercial Concerns With the People's Republic of China.

Prior to this action, the Committee held a hearing on this resolution. Testimony was heard from Representatives Cox of California, Thomas and Dicks; R. James Woolsey, former Director, CIA; Richard V. Allen, former National Security Advisor; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Subcommittee on Public Buildings and Economic Development approved for full Committee action the following bills: H.R. 2379, to designate the Federal building and U.S. courthouse located at 251 North Main Street in Winston-Salem, NC, as the ''Hiram H. Ward Federal Building and United States Courthouse''; H.R. 2787, amended, to designate the United States courthouse located in New Haven, Connecticut, as the ''Richard C. Lee United States Courthouse''; H.R. 3696, amended, to designate the Federal Courthouse located at 316 North 26th Street in Billings, Montana, as the ''James F. Battin Federal Courthouse''; H.R. 3223, to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the ''J.J. 'Jake' Pickle Federal Building''; and S. 1800, to designate the Federal building and United States courthouse located at 85 Marconi Boulevard in Columbus, Ohio, as the ''Joseph P. Kinneary United States Courthouse''.

The Subcommittee also approved for full Committee action the following: 9 Repair and Alteration Program resolutions; 1 Advanced Design Program resolution; and 2 Boarder Station Construction Program resolutions.

YEAR 2000 COMPUTER PROBLEMS AND TELECOMMUNICATIONS SYSTEMS

Committee on Ways and Means: Subcommittee on Oversight held a hearing on the Year 2000 (Y2K) computer problems and telecommunications systems. Testimony was heard from Joel C. Willemssen, Director, Information Resources Management, Accounting and Information Management, GAO; Michael Power, Defense Commissioner, FCC; and public witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 17, 1998

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs, to hold hearings on H.R. 10, to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, 9:30 a.m., SD–G–50.

Committee on Commerce, Science, and Transportation, Subcommittee on Communications, to hold hearings to examine proposals to deter the problem of junk e-mail, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources, Subcommittee on Forests and Public Land Management, to resume hearings on S. 1253, to provide to the Federal land management agencies the authority and capability to manage effectively the federal lands in accordance with the principles of multiple use and sustained yield, 2 p.m., SD–366.

Committee on Finance, to hold hearings on S. 1432, to authorize a new trade and investment policy for sub-Saharan Africa, 10 a.m., SD–215.

Committee on Foreign Relations, to resume hearings on S. 1868, to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; and to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council, focusing on views from the religious community, 10:30 a.m., SD–419.

Subcommittee on International Economic Policy, Export and Trade Promotion, to hold hearings on the implementation of United States policy on Caspian Sea oil exports, 2 p.m., SD–419.

Committee on Governmental Affairs, business meeting, to mark up the proposed Federal Vacancies Reform Act, and S. 712, to provide for a system to classify information in the interests of national security and a system to declassify such information, to consider the nominations of G. Edward DeSeve, of Pennsylvania, to be Deputy Director for Management, Office of Management and Budget, and Deidre A. Lee, of Oklahoma, to be Administrator for Federal Procurement Policy, and to consider other pending calendar business, 9:30 a.m., SD–342.

Committee on the Judiciary, to hold hearings to examine the extent of drug abuse among children, 9 a.m., SD–226.

Subcommittee on Constitution, Federalism, and Property Rights, business meeting, to consider pending calendar business, 9:15 a.m., SD–226.

Select Committee on Intelligence, to hold closed hearings on intelligence matters, 2:30 p.m., SH–219.

House

Committee on Agriculture, hearing to review the 1999 Multilateral Negotiations on Agricultural Trade—Africa and the Middle East, 10 a.m., 1300 Longworth.

Committee on Appropriations, to mark up the following appropriations for fiscal year 1999: Treasury, Postal Service, and General Government; and Defense, 9:30 a.m., 2359 Rayburn.

Subcommittee on Interior, to mark up appropriations for fiscal year 1999, 2 p.m., B–308 Rayburn.

Committee on Banking and Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing on the reauthorization of the Community Development Financial Institutions Fund, 2:30 p.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Oversight and Investigations, to receive subpoenaed documents in connection with the ongoing Portals investigation and/or to consider legal objections to their production, 10:30 a.m., 2123 Rayburn.

Subcommittee on Telecommunications, Trade, and Consumer Protection, to mark up the following bills: H.R. 2921, Multichannel Video Competition and Consumer Protection Act of 1997; H.R. 2281, to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty; and H.R. 872, Biomaterials Access Assurance Act of 1998, 2:30 p.m., 2322 Rayburn.

Committee on Education and the Workforce, Subcommittee on Oversight and Investigations to continue hearings on International Brotherhood of Teamsters Financing Reporting and Pension Disclosures, 10:30 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, hearing on the White House Global Climate Change Initiative and Congressional Review Act Implementation: Is OMB Hiding the Truth About New Regulations, 2 p.m., 2154 Rayburn.

Committee on International Relations, hearing on Worldwide Review of the Administration's POW/MIA Policies and Programs, 3 p.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 3682, Child Custody Protection Act; H.R. 3849, Internet Tax Freedom Act; H.R. 3529, Internet Tax Freedom Act; H.R. 2592, Private Trustee Reform Act of 1997; H.R. 3891, Trademark Anticounterfeiting Act of 1998; H.R. 3898, Speed Trafficking Life in Prison Act of 1998; H.R. 2070, Correction Officers Health and Safety Act of 1997; and H.R. 371, Hmong Veterans' Naturalization Act of 1997; and to consider private immigration bills and other pending Committee business, 10 a.m., 2141 Rayburn.

Committee on National Security, and the Committee on International Relations, joint hearing on U.S. policy regarding the export of satellites to China, 9:30 a.m., 2118 Rayburn.

Committee on Resources, to consider the following measures: H.J. Res. 113, approving the location of a Martin Luther King, Jr. Memorial in the Nation's Capitol; H.R.

1659, Mount St. Helens National Volcanic Monument Completion Act; H.R. 1728, National Park Service Administrative Amendment of 1997; H.R. 1983, Narragansett Justice Act; H.R. 2291, to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively utilize the proceeds of sales of certain items; H.R. 2993, to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units; H.R. 3445, Oceans Act of 1998; H.R. 3460, to approve a governing international fishery agreement between the United States and the Republic of Latvia; H.R. 3498, Dungeness Crab Conservation and Management Act; H.R. 3625, San Rafael Swell National Heritage and Conservation Act; H.R. 3830, Utah Schools and Lands Exchange Act of 1998; and H.R. 3903, Glacier Bay National Park Boundary Adjustment Act of 1998; and to consider a resolution authorizing the Chairman to issue subpoenas regarding matters under review associated with the Warner Creek timber sale and protest, 11 a.m., 1324 Longworth.

Committee on Rules, to consider H. Res. 463, to establish the Select Committee on U.S. National Security and Military/Commercial Concerns With the People's Republic of China, 1:30 p.m., H–313 Capitol.

Committee on Science, Subcommittee on Energy and Environment, oversight hearing on The Humane Genome Project: How Private Sector Developments Affect the Government Program, 1 p.m., 2318 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on the Future of the VA Health Care System, 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Trade, hearing on U.S.-China trade relations and renewal of China's most-favored nation (MFN) status, 1 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on Update on Alleged Efforts by Peoples Republic of China to influence U.S. Electoral Process, 2:30 p.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, June 17

Senate Chamber

Program for Wednesday: After the recognition of three Senators for speeches and the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will resume consideration of S. 1415, Universal Tobacco Settlement Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, June 17

House Chamber

Program for Wednesday: Consideration of H.R. 2646, Education Savings Act for Public and Private Schools Conference Report (rule waiving points of order);

Consideration of H.R. 3097, Tax Code Termination Act (closed rule, 2 hours of general debate);

Consideration of H. Res. 458, Providing for Further Consideration of H.R. 2183, Bipartisan Campaign Integrity Act of 1997; and

Consideration of H.R. 2183, Bipartisan Campaign Integrity Act of 1997 (Continue Consideration).

Extensions of Remarks, as inserted in this issue

HOUSE

Ackerman, Gary L., N.Y., E1141
Bonior, David E., Mich., E1132, E1133
DeLay, Tom, Tex., E1140
Everett, Terry, Ala., E1140
Fazio, Vic, Calif., E1137
Ford, Harold E., Jr., Tenn., E1141
Frelinghuysen, Rodney P., N.J., E1134
Gekas, George W., Pa., E1137
Gilman, Benjamin A., N.Y., E1132, E1133
Hamilton, Lee H., Ind., E1131, E1134
Hobson, David L., Ohio, E1135
Kildee, Dale E., Mich., E1138
Kleczka, Gerald D., Wisc., E1136
Klink, Ron, Pa., E1136
Leach, James A., Iowa, E1138
Lewis, Jerry, Calif., E1131, E1132
Maloney, Carolyn B., N.Y., E1135
Morella, Constance A., Md., E1141
Murtha, John P., Pa., E1135
Packard, Ron, Calif., E1136
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